



Journal of the Senate

Number 32

Thursday, May 31, 1979

The Senate was called to order by the President at 9:00 a.m.
A quorum present—40:

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiasen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtel	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

Excused: Periodically, Senators Hair, W. D. Childers, Myers, Spicola, Dunn, Barron, Henderson, Vogt, Scott, Johnston, Stuart, Frank, Ware, McClain, Thomas, MacKay, Chamberlin, Maxwell, Gordon, Skinner, Peterson and Steinberg conferees and alternates on House Bills 1046, 35, 1036 and 1689 and SB 1297.

Prayer by the Rev. Russell D. Toms, Faith Presbyterian Church, Wauchula:

Let us call upon the name of the Lord. Lord God of heaven and earth, we thank you for the privilege of living in the State of Florida and for those whom you have ordained as members and officers of this body. We ask for your special blessing upon them this morning and with each and every one who has to do with the work of the Senate.

Turn their thoughts now to you as they take up the duties of this day. Open their hearts to your spirit that they may have wisdom in their decisions; understanding in their thinking; love in their attitude and mercy in their judgements.

Let them not think that when we have stopped our praying here this morning that their dependence on you is over, and forget you and your counsel for the rest of the day. Help each one of them to do your will now this day. In the name of Christ we pray. Amen.

The President introduced Mrs. Eunice Toms, wife of Rev. Toms; her sister, Mrs. Ann Boyd, and husband Supreme Court Justice Joe Boyd; and Mrs. Toms' and Mrs. Boyd's mother, Mrs. Estelle Stripling.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 31, 1979:

HB 898	SB 586	SB 867
SB 278	CS for SB 1218	HB 1555
HJR 50	HB 729	HB 1063
CS for SB 1074	CS for SB 805	CS for SB 1252
HB 575	SB 1261	CS for SB 1282
SB 669	HB 1580	HB 702
HB 857	HB 1653	HB 1620
HB 382	CS for SB 1257	HB 1662
SB 1006	CS for SB 896	CS for SB 203
HB 1515	HB 1527	CS for SB 1216
SB 392	HB 1548	HB 1745
CS for SB 151		

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Consent Calendar for May 31, 1979:

HB 295	HB 340	CS for CS for
HB 11	CS for SB 677	SB 717
CS for SB 969	SB 1115	CS for HB 4
SB 559	SB 44	SB 208
CS for CS for SB 925	SB 959	HB 1603
CS for SB 803	SB 1226	SB 1067
SB 975	CS for SB 584	SB 832
SB 476	SB 1179	SB 1054
CS for SB 1011	HB 514	SB 422
HB 1514	SB 408	SB 1246
SB 1150	SB 939	SB 1185
SB 416	SB 576	SB 1121

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar requests that the following bills be withdrawn from the Committee and placed on the Local Bill Calendar for Thursday, May 31, 1979:

HB 428	HB 1156	HB 1521
HB 591	HB 1157	HB 1526
CS for HB 595	HB 1164	HB 1536
HB 597	HB 1168	HB 1537
HB 599	HB 1182	HB 1539
HB 694	HB 1184	HB 1540
HB 933	HB 1233	HB 1656
HB 1040	HB 1246	HB 1657
HB 1041	HB 1392	HB 1705
HB 1042	HB 1418	HB 1706
HB 1043	HB 1452	HB 1722
HB 1044	HB 1498	HB 1802
HB 1118	HB 1499	HB 1818
HB 1119	HB 1500	HB 1602 with
HB 1120	HB 1501	2 amendments
HB 1135	HB 1517	HB 1399
HB 1155	HB 1518	

Please add the following bills which are on calendar to the local bill calendar:

SB 1264	SB 1062	HB 1307	SB 703
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Respectfully submitted,
Dempsey J. Barron, Chairman

Honorable Philip D. Lewis
President

May 29, 1979

Dear Mr. President:

The Committee on Agriculture in joint session with the Committee on Executive Business to whom was referred the following appointments subject to confirmation by the Senate:

Frank Bouis, Leesburg, Member, Florida Citrus Commission, District Two, for term ending May 31, 1982

Joe L. Davis, Sr., Wauchula, Member, Florida Citrus Commission, District Six, for term ending May 31, 1982

Arlen Neil Jumper, Ocala, Member, Florida Citrus Commission, District Three, for term ending May 31, 1982

Robert V. Phillips, Haines City, Member, Florida Citrus Commission, District Seven, for term ending May 31, 1982

—after inquiry and due consideration, recommends that the Senate confirm the aforesaid appointments made by the Governor.

Respectfully submitted,
Alan Trask
Chairman

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Barron, the rules were waived and by two-thirds vote House Bills 428 and 1399 were withdrawn from the Committee on Rules and Calendar and placed on the local bill calendar.

On motion by Senator Thomas, the rules were waived and by two-thirds vote HB 1714 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Spicola, the rules were waived and by two-thirds vote HB 1307 was recalled from the Special Master, withdrawn from the Committee on Ways and Means and placed on the local bill calendar.

REQUEST FOR EXTENSION OF TIME

May 31, 1979

The Committee on Judiciary-Civil requests an extension of 15 days for consideration of the following:

SB 456 by Senator Dunn	SB 1267 by Senator MacKay
SB 695 by Senator Hair	CS for HB 529 by Health and
SJR 714 by Senator Hair	Rehabilitative
SB 763 by Senator Skinner	Services Com-
SB 775 by Senator Hair	mittee and Repre-
SB 795 by Senator Hair	sentative Malloy
SB 828 by Senator Hill	CS for HB 1214 by Judiciary
SB 1043 by Senator McKnight	Committee and
SB 1064 by Senator	Representative
Williamson	Moffitt
SB 1085 by Senator	HB 1260 by Representative
Williamson	Thomas
SB 1087 by Senator Stuart	HB 1504 by Ethics and
SB 1178 by Senator Skinner	Elections
SB 1225 by Senator Hill	Committee

On motion by Senator Henderson, by two-thirds vote CS for HB 141 was made a special and continuing order of business for 3:00 p.m. this day. The vote was:

Yeas—23

Mr. President	Grizzle	McClain	Spicola
Chamberlin	Henderson	McKnight	Steinberg
Childers, D.	Hill	Myers	Stuart
Dunn	Holloway	Neal	Vogt
Frank	Jenne	Poole	Winn
Gorman	Johnston	Scott	

Nays—10

Barron	Fechtel	Thomas	Williamson
Carlucci	Hair	Tobiasen	
Childers, W. D.	Scarborough	Trask	

MESSAGES FROM THE GOVERNOR

The Governor returned as requested by HCR 1835, SB 468 and on motion by Senator Ware, SB 468 was ordered immediately certified to the House.

EXECUTIVE BUSINESS

May 30, 1979

The Honorable Philip D. Lewis
President, The Florida Senate

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment	For Term Ending
Florida Citrus Commission, Members	
Appointees: Bouis, Frank S.	5/31/82
Davis, Joe L., Sr.	5/31/82
Jumper, Arlen N.	5/31/82
Phillips, R. V.	5/31/82

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the office indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee, by a separate vote as to each appointee, respectfully advises and recommends:

- (1) That the executive appointment of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate.
- (2) That Senate action on said appointments be taken prior to adjournment of the 1979 Regular Session.
- (3) That there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Sherman S. Winn, Chairman
James A. Scott, Vice Chairman
Joe Carlucci
Pat Frank
Paul B. Steinberg

Senator Winn moved that the report on executive appointments be accepted and the Senate confirm the appointments identified in the foregoing report of the committee, to the offices and for the terms indicated, in accordance with the recommendations of the committee. The motion was adopted.

May 30, 1979

The Honorable Philip D. Lewis
President, The Florida Senate

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment	For Term Ending
1. St. Petersburg Junior College, Board of Trustees, Member	
Appointee: Brockus, Janice Chapin	5/31/79
2. Historic Broward County Preservation Board, Board of Trustees, Member	
Appointee: Kester, Stewart R.	11/1/79

Because these appointments were received by the committee after the last scheduled meeting day, and no further regular meetings were available, it is the recommendation of the committee that no action be taken by the Senate concerning these appointments.

Respectfully submitted,
Sherman S. Winn, Chairman
James A. Scott, Vice Chairman
Joe Carlucci
Pat Frank
Paul B. Steinberg

Senator Winn moved that pursuant to the recommendations of the committee that no further action be taken by the Senate. The motion was adopted and the Senate took no further action and failed to confirm the appointments identified in the foregoing report to the offices and for the terms indicated.

The Honorable Philip D. Lewis
President, The Florida Senate
May 30, 1979

Dear Mr. President:

The executive appointment of Henry W. McMillan, member, Historic St. Augustine Preservation Board, was referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate.

Because there are no further meetings available to our committee, it is my recommendation that no action be taken by the Senate concerning this appointment.

Sincerely,
Sherman S. Winn
Chairman

The Honorable Philip D. Lewis
President, The Florida Senate

May 28, 1979

Dear Mr. President:

The Committee on Executive Business has been advised that the executive appointment of Julie L. Jett to the Board of Regents was not considered by the first committee of reference.

Due to the fact that there are no further meetings available to our committee, it is my recommendation that no action be taken by the Senate concerning this appointment.

Sincerely,
Sherman S. Winn
Chairman

Senator Winn moved that pursuant to the recommendations of the committee that no further action be taken by the Senate. The motion was adopted and the Senate took no further action and failed to confirm the appointments identified in the foregoing reports to the offices indicated.

On motion by Senator Winn, the foregoing reports of the Committee on Executive Business were adopted. The vote was:

Yeas—27

Mr. President	Frank	Johnston	Stuart
Anderson	Gorman	McKnight	Thomas
Barron	Grizzle	Scarborough	Trask
Carlucci	Hair	Scott	Vogt
Chamberlin	Henderson	Skinner	Williamson
Childers, W. D.	Hill	Spicola	Winn
Dunn	Jenne	Steinberg	

Nays—None

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed—

SB 15	CS for SB 844	SB 395
CS for SB 235		

Allen Morris, Clerk

The bills contained in the above message were ordered enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments to CS for HB 440, HB 1674 and HB 951 and passed as amended.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for a Conference Committee on HB 1531. The Speaker has appointed Representatives Haben, Crawford, Fontana, Tygart and Lehman as the Conferees on the part of the House.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 2 and 3 and refused to recede from House Substitute Amendment 1; further amended, and passed as further amended—

By the Committee on Governmental Operations and Senator Henderson and others—

SB 258—A bill to be entitled An act relating to regulation of agricultural products dealers; amending s. 604.15(1), (3)-(6), Florida Statutes; providing definitions; creating s. 604.151, Florida Statutes; providing legislative purpose; amending s. 604.17, Florida Statutes; deleting obsolete language; amending s. 604.18(3), (4), Florida Statutes, and adding subsection (5) to said section; prescribing information to be furnished on applications for a license as an agricultural products dealer; amending s. 604.19, Florida Statutes; prescribing the period a license is effective; prescribing the amount of license fees and penalties for delinquent license renewal; amending s. 604.20(1), (3), Florida Statutes, 1978 Supplement; prescribing the condition of agricultural products dealer bonds; requiring a new and separate bond annually for license renewal; providing for review of records of an applicant or licensee; making failure to provide information or make records available grounds for suspension or revocation of license; amending s. 604.21, Florida Statutes, 1978 Supplement; prescribing procedures with respect to complaints filed with the Department of Agriculture and Consumer Services concerning a dealer's failure to make payments; authorizing the department to order payment; providing for distribution of the proceeds of the dealer's bond; providing for suits by complainants to recover proceeds of the bonds; providing for court costs and attorney's fees; amending s. 604.211, Florida Statutes; limiting licensee's right to consign products of the producer; amending s. 604.22, Florida Statutes; requiring licensee to maintain records of transactions and prescribing times for dealer to make account of sale and payment to producer; repealing s. 604.24, Florida Statutes, which section provides for the inspection of spoiled or unmarketable products; reviving and readopting provisions of chapter 604, Florida Statutes, as amended, relating to agricultural products dealers, notwithstanding the provisions of the Regulatory Reform Act of 1976; providing for retroactivity; providing for repeal of ss. 604.15-604.23, 604.25, 604.27-604.30, Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Substitute Amendment 1—On page 3, line 18, insert: after the comma after the word tobacco "tropical foliage,"

Amendment 4—On page 2, line 22, after the colon ":" insert: Section 1. Section 581.188, Florida Statutes, is created to read: 581.188 Sale of cypress products prohibited without permit.—No person shall sell or offer for sale articles made from unfinished cross-sectional slabs cut from the buttress of trees of the species *taxodium distichum*, commonly known as cypress, without first obtaining a permit from the Department of Agriculture and Consumer Services, pursuant to s. 581.185. This section shall not apply to the owner of the property on which the cypress trees are growing.

(renumber subsequent sections)

Amendment 5—On page 1, line 3 in title, after the semicolon ";," insert: creating s. 581.188, Florida Statutes; prohibiting the sale or offering for sale of certain cypress products without a permit issued by the Department of Agriculture and Consumer Services;

On motions by Senator Henderson, the Senate concurred in the House Amendments.

SB 258 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Frank	McKnight	Thomas
Anderson	Gorman	Myers	Tobiasen
Barron	Grizzle	Neal	Trask
Carlucci	Hair	Peterson	Vogt
Chamberlin	Henderson	Poole	Williamson
Childers, D.	Holloway	Scott	Winn
Childers, W. D.	Jenne	Spicola	
Dunn	Johnston	Steinberg	
Fecht	McClain	Stuart	

Nays—None

Vote after roll call:

Yea—Hill

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By the Committee on Judiciary-Criminal and Senator Poole and others—

CS for SB 383—A bill to be entitled An act relating to driving while under the influence of alcoholic beverages, model glue, or any controlled substance; amending s. 316.193(5), Florida Statutes; providing that anyone convicted of violating s. 316.193(1) or (3), Florida Statutes, may be required to attend an alcohol education course, may be referred for alcoholism evaluation and treatment, and shall assume the cost of such evaluation and treatment; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 8, after the word "treatment", insert: *however, in no case shall the authorized agency for alcoholism treatment be the same agency which conducts the alcohol evaluation and education*

Senator Poole moved the following amendment to House Amendment 1 which was adopted:

Amendment 1—On page 3, line 4, insert after "treatment": *; however, in no case shall the authorized agency for alcoholism treatment be the same agency which conducts the alcohol evaluation and education*

On motion by Senator Poole, the Senate concurred in the House amendment as amended and the House was requested to concur in the Senate amendment.

CS for SB 383 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Frank	McClain	Stuart
Anderson	Gorman	McKnight	Thomas
Barron	Grizzle	Neal	Tobiasen
Carlucci	Hair	Peterson	Trask
Chamberlin	Henderson	Poole	Vogt
Childers, D.	Hill	Scarborough	Williamson
Childers, W. D.	Holloway	Scott	Winn
Dunn	Jenne	Spicola	
Fechtcl	Johnston	Steinberg	

Nays—None

Vote after roll call:

Yea—Myers

SPECIAL ORDER

On motion by Senator Dunn, by unanimous consent—

HB 898—A bill to be entitled An act relating to hunting licenses; adding subsection (20) to s. 372.57, Florida Statutes, 1978 Supplement; requiring the purchase of a Florida waterfowl stamp by persons taking wild ducks or geese; providing for fees; providing duties of the Game and Fresh Water Fish Commission; providing for disposition of revenues generated thereby; creating s. 372.5745, Florida Statutes; providing for a Waterfowl Advisory Committee; providing membership and duties of the committee; providing for repeal of said section and legislative review in accordance with the Sundown Act; providing an effective date.

—was taken up and read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 898 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Frank	McKnight	Steinberg
Anderson	Gorman	Myers	Thomas
Barron	Grizzle	Neal	Tobiasen
Carlucci	Hair	Peterson	Trask
Chamberlin	Henderson	Poole	Vogt
Childers, D.	Hill	Scarborough	Williamson
Childers, W. D.	Jenne	Scott	Winn
Dunn	Johnston	Skinner	
Fechtcl	McClain	Spicola	

Nays—None

Vote after roll call:

Yea—Holloway

SB 278 was taken up and on motion by Senator Henderson, by two-thirds vote HB 1591 was withdrawn from the Committee on Ways and Means.

On motion by Senator Henderson—

HB 1591—A bill to be entitled An act relating to fishing and hunting licenses; amending s. 372.57(3), (7), and (9), Florida Statutes, 1978 Supplement, increasing the fees for certain fishing and hunting licenses; repealing s. 372.57(8), Florida Statutes, relating to fees for hunting licenses for county other than county of residence; providing an effective date.

—a companion measure, was substituted for SB 278 and read the second time by title. On motions by Senator Henderson by two-thirds vote HB 1591 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Thomas
Chamberlin	Henderson	Myers	Tobiasen
Childers, D.	Hill	Neal	Trask
Dunn	Holloway	Peterson	Vogt
Fechtcl	Jenne	Scott	
Frank	Johnston	Spicola	

Nays—8

Barron	Hair	Skinner	Williamson
Childers, W. D.	Scarborough	Stuart	Winn

Vote after roll call:

Yea to Nay—Thomas

SB 278 was laid on the table.

HJR 50—A joint resolution proposing amendments to Section 5 of Article II and Sections 2 and 5 of Article XI of the State Constitution abolishing the Constitutional Revision Commission.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote HJR 50 was read the third time in full and failed to receive the required constitutional three-fifths vote of the membership for passage. The vote was:

Yeas—22

Mr. President	Gorman	Peterson	Tobiasen
Anderson	Grizzle	Poole	Trask
Barron	Hill	Scarborough	Williamson
Carlucci	Holloway	Scott	Winn
Childers, W. D.	McClain	Skinner	
Fechtcl	Neal	Thomas	

Nays—13

Chamberlin	Hair	McKnight	Vogt
Childers, D.	Jenne	Spicola	
Dunn	Johnston	Steinberg	
Frank	MacKay	Stuart	

Consideration of CS for SB 1074 was deferred.

HB 575—A bill to be entitled An act relating to emergency medical services; adding a subsection to s. 401.23, Florida Statutes, providing a definition; amending s. 401.46, Florida Statutes, including described organizations among those eligible to contract for certain services; including fire rescue services providing advanced life support services under certification requirements; specifying designation of fire rescue service vehicles; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendment which was moved by Senator Johnston and failed:

Amendment 1—On page 2, line 12, after the word "procedures" insert: *, except for systems which are owned and operated by a county, city, town or village and which are under the control of the elected governing body of such entity and which serve a population of less than 50,000 persons,*

The Committee on Health and Rehabilitative Services offered the following amendments which were moved by Senator Johnston and adopted:

Amendment 2—On page 2, lines 14-15, strike "or any hospital employing physicians"

Amendment 3—On page 2, lines 10-18, strike all of said lines

Senator Steinberg moved the following amendment which failed:

Amendment 4—On page 2, strike line 19 and insert: Section 3. Section 401.21, Florida Statutes, is amended to read:

401.21 Short title.—Section 401.21-401.47 ~~401.45~~ shall be known and may be cited as the "Florida Emergency and Non-emergency Medical Services Act ~~of 1973.~~"

Section 4. Subsections (1), (4), and (5) of section 401.23, Florida Statutes, are amended and subsection (15) is added to said section to read:

401.23 Definitions.—As used in this act, unless the context clearly indicates otherwise:

(1) "Ambulance" means any private or publicly owned land, air, or water vehicle that is designed, constructed, reconstructed, maintained, equipped, or operated, and is used for, or intended to be used for, air, land, or water transportation of persons who are in need of emergency medical attention ~~sick, injured, or otherwise helpless.~~

(4) "License" means any authorization to provide ambulance or nonemergency medical transportation services issued pursuant to the provisions of this act.

(5) "Permit" means any authorization issued pursuant to the provisions of this act for a vehicle to be operated as an ambulance or as a nonemergency medical transportation vehicle.

(15) "Nonemergency medical transportation vehicle" means any privately or publicly owned land, air, or water vehicle that is designed, constructed, reconstructed, maintained, equipped, or operated, and is used for, or intended to be used for, air, land, or water transportation of persons with a non-emergency condition requiring specialized transportation, including wheelchair ambulance service companies.

Section 5. Section 401.24, Florida Statutes, is amended to read:

401.24 Emergency and nonemergency medical transportation services; state plan.—The department is responsible for the improvement and regulation of emergency and nonemergency medical transportation services. In addition to the duties otherwise imposed by this act, it shall develop and periodically revise a comprehensive state plan for emergency and nonemergency medical transportation services. The state plan shall include, but not be limited to:

(1) Procedures for facility and system planning.

(2) Requirements for the operation and coordination of ambulances, nonemergency transportation vehicles, and other medical emergency care components.

(3) The definition of areas of responsibility for regulation and planning.

Section 6. Subsections (1), (2), (4), (7), and (8) of section 401.25, Florida Statutes, 1978 Supplement, are amended to read:

401.25 *Emergency or nonemergency medical transportation Ambulance service license.*—

(1) Every person, firm, corporation, association or governmental entity owning or acting as agent for the owner of any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in the business or service of transporting sick, injured, handicapped, or otherwise incapacitated persons upon the streets, highways, waterways, or airways of this state shall submit a written application to the Department of Health and Rehabilitative Services. *Hospitals transporting their own patients in their own vehicles are exempt from this section if they do not charge a fee for this service.*

(2) The application shall include:

(a) The name and business address of the operator and owner of the ambulance service, *nonemergency medical transportation service, or proposed ambulance service, or proposed nonemergency medical transportation service.*

(b) The name under which the applicant will operate.

(c) A list of the names and addresses of all officers, directors, and shareholders.

(d) A description of each ~~vehicle ambulance~~ to be used, including the make, model, year of manufacture, mileage, motor and chassis numbers, passenger capacity, size, and gross weight of each vehicle; state or federal aviation or marine registration number where applicable; and the color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate the applicant's ~~vehicle ambulance~~ or ~~vehicles-ambulances.~~

(e) The location and description of the place or places from which the *emergency or nonemergency medical transportation ambulance* service will operate.

(f) A statement reasonably describing the geographic area or areas to be served by the applicant.

(g) Such other information as the department deems reasonable and necessary.

(4) The department is authorized to suspend or revoke a license at any time if it determines that the licensee has failed to maintain compliance with the requirements prescribed for operating an *emergency or nonemergency medical transportation ambulance* service.

(7) The department shall issue temporary licenses to applicants presently providing *emergency or nonemergency medical transportation ambulance* service but not meeting required standards, valid for a period not to exceed 1 year, when it determines that there is no other ~~such ambulance~~ service available in an area and that the public interest, safety, and convenience will be served. As a condition for the issuance of a temporary license, the applicant must initiate appropriate steps to insure that the business or service meets the prescribed standards within 1 year from the date of issuance of the license.

(8) The governing body of each county is authorized to adopt ordinances providing reasonable standards for certificates of public convenience and necessity for *emergency or nonemergency medical transportation services ambulance service.*

Section 7. Section 401.26, Florida Statutes, 1978 Supplement, is amended to read:

401.26 *Emergency and nonemergency medical transportation service Ambulance permits.*—

(1) Every *emergency ambulance business* or *nonemergency medical transportation service* licensed under the provisions of this act shall possess a valid permit for each ambulance or vehicle in use. Application for ~~such ambulance~~ permits shall be made upon forms and in accordance with procedures pre-

scribed by the Department of Health and Rehabilitative Services.

(2) Prior to issuing an original or a renewal permit for a ~~vehicle an ambulance~~, the department shall inspect each vehicle and determine whether it meets all requirements of vehicle design, construction, communications, medical equipment and supplies, and sanitation prescribed in this act for such vehicle and in regulations promulgated by the department.

(3) The department is authorized to suspend or revoke a ~~an ambulance~~ permit if it determines that the vehicle or its equipment fails to meet the requirements specified in this act or in the regulations of the department.

(4) Permits issued in accordance with the provisions of this section shall be valid for a period of 1 year from the date of issuance.

(5) The requirements for renewal of any ~~ambulance~~ permit issued under the provisions of this act shall be the same as requirements current at the time of renewal for an original permit.

(6) The department may issue a temporary permit ~~permits~~ for any vehicle ~~ambulances~~ not meeting required standards, valid for a period not to exceed 1 year, when it determines that there is no other emergency or nonemergency medical transportation ~~ambulance~~ service available in an area and that the public interest, safety, and convenience will be served. As a condition for the issuance of a temporary permit the emergency or nonemergency medical transportation service ~~ambulance~~ owner must initiate appropriate steps to insure that within 1 year the vehicle will conform to the prescribed regulations.

Section 8. Sections 401.31, 401.35, 401.38, and 401.40, Florida Statutes, are amended to read:

401.31 Inspection and examination.—

(1) In order to carry out the requirements of this act the Department of Health and Rehabilitative Services shall inspect each emergency and nonemergency medical transportation ~~ambulance~~ service licensee, including ambulances, vehicles, equipment, personnel, records, premises, and operational procedures, at reasonable times and whenever such inspection is deemed necessary by the department, but in no event less frequently than once a year. The periodic inspection required by this section shall be in addition to other state or local motor vehicle safety inspections required for ambulances or other motor vehicles under general law or ordinance.

(2) The department shall, in the course of the inspections provided for in subsection (1), determine the continuing compliance of each business, ambulance, vehicle, emergency medical technician, and driver to the requirements of this act and the rules promulgated by the department.

401.35 Rules.—In consultation with appropriate representatives of emergency medical teams employed by public agencies and nonemergency medical transportation services, the Department of Health and Rehabilitative Services shall promulgate rules necessary to carry out the purposes of this act. These rules shall provide at least:

(1) Minimum standards governing the ~~ambulance~~ sanitation and maintenance of emergency and nonemergency medical transportation vehicles.

(2) Minimum standards governing emergency medical technician and driver training and qualifications.

(3) Minimum standards for ambulance equipment and supplies at least as comprehensive as those promulgated by the American College of Surgeons governing ambulance equipment and supplies, including provisions for two-way communications.

(4) Minimum standards at least equal to those recommended by the United States Department of Transportation governing vehicle design and construction.

(5) On or before January 1, 1978, minimum standards for design and construction of vehicles providing advanced life-support services, standards for equipment, and vehicle staffing standards.

401.38 Participation in federal programs.—The department shall develop federal funding proposals and apply for all federal funds available to carry out the purposes of this act. The department is authorized to participate in those federal programs aimed at the delivery of emergency medical services or nonemergency medical transportation services and shall include such programs in its comprehensive plan.

401.40 Service operated by funeral establishment.—Any emergency or nonemergency medical transportation ~~ambulance~~ service operated out of a facility licensed under chapter 470 shall keep its records separate from those of the funeral establishment and maintain a separate phone number.

Section 9. Section 401.22, Florida Statutes, is hereby repealed.

Section 10. The 1982 repeal of sections 401.21, 401.23, 401.24, 401.25, 401.26, 401.31, 401.35, 401.38, and 401.40, Florida Statutes, by chapter 76-168, Laws of Florida, as amended, shall not be affected by the amendment of those sections by this act.

Section 11. Notwithstanding any other provision of law, vehicles required to be licensed under this act shall not be subject to regulation under chapter 323 or chapter 350, Florida Statutes, and all statutory powers, duties and functions of the Florida Public Service Commission with respect to such vehicles are hereby declared to be void and inoperative.

Section 12. The provisions of this act shall not apply to public bus system vehicles.

Section 13. This act shall take effect July 1, 1979, except that sections 1 and 2 shall take effect October 1, 1979.

The vote was:

Yeas—16

Anderson	Dunn	Johnston	Spicola
Carlucci	Frank	Maxwell	Steinberg
Chamberlin	Grizzle	McKnight	Stuart
Childers, D.	Holloway	Poole	Trask

Nays—16

Mr. President	Gorman	Peterson	Thomas
Barron	Hair	Scarborough	Tobiassen
Childers, W. D.	Hill	Scott	Williamson
Fechtel	MacKay	Skinner	Winn

Senator Steinberg moved the following amendment which was adopted:

Amendment 5—On page 1, strike lines 15 and 16 and insert: Section 1. Subsection (14) is added to section 401.23, Florida Statutes, to read:

Senator Johnston moved the following amendment which was adopted:

Amendment 6—On page 1, in title, line 7, strike "providing an exemption from the requirement of having a medical director for certain emergency medical services systems;"

On motion by Senator Johnston, by two-thirds vote HB 575 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Frank	McClain	Steinberg
Anderson	Gorman	McKnight	Stuart
Barron	Grizzle	Peterson	Thomas
Carlucci	Henderson	Poole	Tobiassen
Chamberlin	Hill	Scarborough	Trask
Childers, D.	Holloway	Scott	Vogt
Childers, W. D.	Johnston	Skinner	Williamson
Dunn	Maxwell	Spicola	Winn

Nays—None

By the Committee on Governmental Operations and Senators Maxwell and Dunn—

CS for SB 1074—A bill to be entitled An act relating to the purchase of goods and services using funds appropriated by the

general appropriations bill for the biennium July 1, 1979 to June 30, 1981; providing that agencies shall promote noninflationary wage and price behavior by vendors; providing for repeal; providing an effective date.

—was read the first time by title and SB 1074 was laid on the table.

On motions by Senator Maxwell, by two-thirds vote CS for SB 1074 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Frank	McClain	Steinberg
Anderson	Gorman	McKnight	Stuart
Barron	Grizzle	Myers	Thomas
Carlucci	Hair	Peterson	Tobiasen
Chamberlin	Henderson	Poole	Trask
Childers, D.	Johnston	Scarborough	Vogt
Childers, W. D.	MacKay	Skinner	Winn
Dunn	Maxwell	Spicola	

Nays—None

Vote after roll call:

Yea—Hill

On motion by Senator Scarborough, the rules were waived and SB 1031 was placed at the end of the consent calendar.

On motion by Senator Winn, by unanimous consent—

SB 669—A bill to be entitled An act relating to workmen's compensation; amending ss. 20.17(3)(a) and (b), 23.127(3), 112.075(9), 112.08(2), 112.13, 112.19(2)(a), 112.191(2)(a), 120.52(1), 121.021(13), (14), and (17), 121.125, 122.03(7), 122.34(6)(c), (7), and (8), 123.03(6), 163.01(9) (a), 185.34, 215.22(9), 231.49, 238.06(11), 250.34(3), 284.30, 284.31, 284.36, 321.19(5), 321.20(2), 321.221(4), 409.255(1) (d), 440.01, 440.021, 440.11(2), 440.13(1) and (3) (b), 440.15(1) (e), 440.151(1) (a), (d), and (e), 440.185(7), 440.19(1) (e), 440.20(10), 440.25(3) (d), (4) (b) and (c), 440.30, 440.31, 440.37(2) (f), 440.38 (5), 440.39(1), 440.44(2) and (3) (a), 440.49(5) (g) and (h), 440.50(1) (a), 440.51(5) and (8), 440.52(2), 440.58, 440.59, 443.06(3), 443.12(7), 443.15(4) (d), 520.73(5), 520.90(7), 553.19(6), 562.132, 624.435(1) and (3) (b), 624.602(1), 624.603, 624.605(1) (c), 624.609(7), 625.091(3) and (4), 626.221(3) (k), 626.241(7) (d), 626.741(4) (a), 626.869(1) (d), 626.916(1) (d), 627.021(2) (c), 627.062(2), 627.091(1), 627.092, 627.101(1), 627.141, 627.151, 627.191, 627.211(1), 627.281(1), 627.291, 627.311(4), 627.314(3) (c), 627.601(1), 627.622(2), 627.623(2), 627.624(2), 627.721(1), 627.736(4), 629.071(1) (b), 631.55(2) (a), 631.57(1) (a), 631.61(2), 901.25(5), 944.49(5) and 960.13(2) and (5) (b), all Florida Statutes or 1978 Supplement; changing the phrase "workmen's compensation" to "workers' compensation" throughout said sections; providing for conditional repeal; providing an effective date.

—was taken up and read the second time by title. On motion by Senator Winn, by two-thirds vote SB 669 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Anderson	Grizzle	McKnight	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Holloway	Skinner	Williamson
Childers, W. D.	Johnston	Spicola	Winn
Dunn	MacKay	Steinberg	
Frank	Maxwell	Stuart	
Gorman	McClain	Thomas	

Nays—None

HB 857—A bill to be entitled An act relating to environmental control; amending ss. 253.126(1) and 403.061(14)(a), Florida Statutes, 1978 Supplement, requiring the Department of Environmental Regulation to establish a program authorizing the Department of Transportation to perform certain activities

regulated under chapters 253 and 403, Florida Statutes, under certain conditions; provides the department may accept certification of compliance for programs; removes a limitation on activities which may be so authorized; specifically excludes new construction or expansion of existing roadways from authorization; providing an effective date.

—as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Frank	MacKay	Scott
Barron	Gorman	Maxwell	Skinner
Carlucci	Hair	McClain	Thomas
Chamberlin	Henderson	Myers	Tobiasen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Williamson
Fechtcl	Johnston	Scarborough	

Nays—7

Dunn	Jenne	Steinberg	Vogt
Grizzle	McKnight	Stuart	

Votes after roll call:

Yea—Anderson

Nay—Spicola

Yea to Nay—Henderson

SB 918 was laid on the table.

HB 382—A bill to be entitled An act relating to salaries of county officers; increasing the salaries for all county officers listed in chapter 145, Florida Statutes, by the same amount as the average increase for state employees; limiting any annual increase to 5 percent and to officers in their second or subsequent term of office; providing for the establishment of lower salaries; providing for public hearing and advertising of such hearing; providing for annual certification of salaries by Department of Community Affairs; directing the Division of Statutory Revision to make necessary changes in Florida Statutes; amending s. 145.09, Florida Statutes, relating to the supervisor of elections providing for the supervisor's salary; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs offered the following amendments which were moved by Senator Thomas and adopted:

Amendment 1—On page 1, line 22, strike everything after the enacting clause and insert: Section 1. Effective the fiscal year commencing after June 30, 1979, and for each fiscal year thereafter, the salaries of all county officers listed in Chapter 145 shall be adjusted to provide the same percentage increase in salary as the average percentage increase in State Career Service employees' salaries as determined by the Department of Administration, or as provided in the General Appropriations Act; provided, however, that such increases shall not exceed seven percent for any fiscal year. The salary increases specified in this section shall be determined independently of and shall not affect changes in base salary and compensation occasioned by changes in population as prescribed in Chapter 145.

Section 2. Subsection (3) is added to s. 145.09, Florida Statutes, to read:

145.09 Supervisors of elections.—

(3) *The supervisor of elections in each county shall receive as a base salary provided in s. 145.09(1) an increase of \$4,300 for each population group. This increase shall be added to the total salary of the supervisor of elections as of October 1, 1978.*

Section 3. This act shall take effect July 1, 1979.

Amendment 2—On page 1, strike lines 2 through 18 and insert: An act relating to salaries of county officers; increasing the salaries for all county officers listed in chapter 145, Florida Statutes, by the same amount as the average increase for state

career service employees; limiting any annual increase to 7 percent; amending s. 145.09, Florida Statutes, relating to the supervisor of elections providing for the supervisor's salary; providing an effective date.

On motion by Senator Thomas, by two-thirds vote HB 382 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Grizzle	McKnight	Stuart
Anderson	Hair	Myers	Thomas
Barron	Henderson	Peterson	Tobiasen
Carlucci	Hill	Poole	Trask
Chamberlin	Jenne	Scarborough	Vogt
Childers, D.	Johnston	Scott	Ware
Childers, W. D.	MacKay	Skinner	Williamson
Fechtel	Maxwell	Spicola	Winn
Frank	McClain	Steinberg	

Nays—None

Vote after roll call:

Yea—Gorman

SB 1006—A bill to be entitled An act relating to the municipal public service tax; amending s. 166.231(2), Florida Statutes, 1978 Supplement; limiting the public service tax on metered or bottled gas (natural liquefied petroleum gas or manufactured); providing an effective date.

—was read the second time by title.

Senator Carlucci moved the following amendment:

Amendment 1—On page 1, add a new section to Section 2—Transfer additional Cigarette Tax. There shall be transferred from the Cigarette Tax Collection Trust Fund deposited to the General Revenue Fund in accordance with Section 210.20 F.S. an additional 1/2 cent to the Municipal Financial Assistance Trust Fund.

Renumber the following section.

Senator Gordon raised a point of order that Amendment 1 had substantial fiscal impact.

The President ruled the point well taken and Amendment 1 out of order.

On motion by Senator Gorman, by two-thirds vote SB 1006 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Frank	Maxwell	Steinberg
Anderson	Gorman	McClain	Thomas
Barron	Grizzle	McKnight	Tobiasen
Chamberlin	Hair	Neal	Trask
Childers, D.	Henderson	Scarborough	Vogt
Childers, W. D.	Hill	Scott	Winn
Dunn	Holloway	Skinner	
Fechtel	Johnston	Spicola	

Nays—4

Carlucci	Jenne	MacKay	Stuart
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HB 1515—A bill to be entitled An act relating to trespass and larceny with relation to utility or cable television fixtures; amending s. 812.14(3), Florida Statutes, 1978 Supplement, providing for prima facie evidence of violations; providing conditions required for the presumption of such violations; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Spicola and adopted:

Amendment 1—On page 1, lines 29 and 31, strike the periods and insert: (on line 29) , (on line 31) , and

On motion by Senator Spicola, by two-thirds vote HB 1515 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Grizzle	McClain	Thomas
Anderson	Hair	McKnight	Tobiasen
Chamberlin	Hill	Scarborough	Trask
Childers, D.	Holloway	Scott	Vogt
Childers, W. D.	Jenne	Skinner	Ware
Fechtel	Johnston	Spicola	Williamson
Frank	MacKay	Steinberg	Winn
Gorman	Maxwell	Stuart	

Nays—None

SB 392—A bill to be entitled An act relating to energy; amending s. 290.31, Florida Statutes; changing the names of the Southern Interstate Nuclear Compact and the Southern Interstate Nuclear Board to the Southern States Energy Compact and the Southern States Energy Board, respectively; providing for participation by additional states and territories; expanding the scope of the compact and board to include energy and environmental concerns; providing for three members of the board from each party state; deleting language which provided for payment of certain expenses by the board; amending s. 290.30, Florida Statutes; conforming definitions; amending s. 290.32(1), Florida Statutes, 1978 Supplement; providing a procedure for selection of board members from Florida; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote SB 392 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Grizzle	Neal	Stuart
Anderson	Hair	Peterson	Thomas
Carlucci	Hill	Poole	Tobiasen
Chamberlin	Holloway	Scarborough	Trask
Childers, D.	Johnston	Scott	Vogt
Fechtel	McClain	Skinner	Ware
Frank	McKnight	Spicola	Williamson
Gorman	Myers	Steinberg	Winn

Nays—None

Vote after roll call:

Yea—W. D. Childers

By the Committee on Judiciary-Civil and Senator Chamberlin—

CS for SB 151—A bill to be entitled An act relating to landlord and tenant; creating s. 83.591, Florida Statutes; prohibiting a landlord or his agents or employees from interfering with the occupancy of, or entrance to, a dwelling unit except pursuant to s. 83.59(3), Florida Statutes; prohibiting a landlord or his agents or employees from terminating a tenant's utility services for certain purposes; clarifying the duties of public utilities; providing a civil action for damages and injunctive relief by a tenant; providing an effective date.

—was read the first time by title and SB 151 was laid on the table.

On motion by Senator Chamberlin, by two-thirds vote CS for SB 151 was read the second time by title.

Senators Steinberg and Chamberlin offered the following amendment which was moved by Senator Steinberg and failed:

Amendment 1—On page 2, strike all of line 20 and insert: Section 2. Section 83.455, Florida Statutes, is created to read:

83.455 Landlord's request for lease; time period; demise of one party on future lease.—

(1) The Legislature finds and declares that any provision in a rental agreement or any requirement which the landlord enforces against current or prospective tenants which requires a tenant who is currently a lessee of the landlord to sign a new or renewal lease more than 90 days prior to the time in which the tenant's current lease expires or to have his premises rented to another party to be ipso facto an unconscionable rental provision and shall be null and void; provided, however, that any such provision or requirement existing at the time that this subsection becomes effective, which provision or requirement obligates a tenant to sign a lease more than 90 days prior to the expiration of the tenant's current lease, shall be exempt from the provisions of this subsection.

(2) In any case where two tenants who are living in the same rental unit sign a rental agreement within 90 days prior to the expiration of the rental agreement under which they are living and either tenant dies prior to the commencement of the upcoming lease, the landlord shall be entitled to the full security deposit under the upcoming lease as full damages but the landlord shall not be entitled to proceed against the estate of the deceased party or the second tenant for any other damages on account of the upcoming lease.

Section 3. This act shall take effect July 1, 1979.

Senator Steinberg moved that the Senate reconsider the vote by which Amendment 1 failed. The motion failed.

On motion by Senator Chamberlin, further consideration of CS for SB 151 was deferred.

SB 586—A bill to be entitled An act relating to county depositories; repealing s. 136.07, Florida Statutes, relating to the monthly reports required of each bank serving as a county depository, to the return of checks or warrants, and to the statements and reports required of county boards; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs offered the following amendment which was moved by Senator Vogt:

Amendment 1—On page 1, line 12-13, strike all of Section 1 and insert: Section 1. Section 136.07, Florida Statutes, is amended to read:

136.07 Depositories to make reports—

Any bank acting as a depository shall, at the end of each and every month, file with each board and officer for which it is a depository, and with the Department of Banking and Finance, a report, as to each account on deposit with it, showing the balances on hand at the beginning of the month, all sums received and paid out during the month, balances on hand at the end of the month, and shall return with said report all checks or warrant or warrants properly canceled which the said bank has paid during the month; ~~each board shall make and publish a statement monthly and at such other time as now required, or at such other times as may be required by the department or the board of county commissioners and other such reports and statement regarding the conditions of each and every fund, as now or as may be hereafter required by law.~~

Senator Vogt moved the following substitute amendment for Amendment 1 which was adopted:

Amendment 2—On page 1, line 12, strike everything after the enacting clause and insert: Section 1. Subsections (1), (2) and (3) of section 136.02, Florida Statutes, are amended to read:

136.02 Method of qualifying as depository; securities to be deposited.—

(1) Any bank as described in s. 136.01 desiring to become a county depository as herein provided shall make satisfactory deposit with or to the credit of the clerk of the circuit court of such county of securities of the kind and amount as herein authorized, conditioned that said bank insure the safekeeping, proper accounting for, and payment over to the proper authority

of all money that may come into its possession by virtue of its acting as said depository, and further conditioned that it will in all respects duly and faithfully perform the duties imposed upon it by reason of acting as such depository. When a bank or banks in the county offer satisfactory inducement as to security as herein provided, the clerk of the circuit court of such county ~~department~~ shall issue a certificate showing that said bank has qualified as a county depository, and the securities deposited by such bank as herein provided shall secure all funds, jointly and severally, that shall be deposited in such banks by the ~~boards or officials of such county school boards of the several counties.~~ When a bank or banks in the county qualify as a county depository as herein provided, such bank or banks shall be eligible to receive deposits of the funds of the ~~boards or officials of such county school board.~~ If at any time a bank ceases to be qualified as a county depository, the ~~clerk of the circuit court of such county department~~ shall revoke the certificate of qualification of such bank and shall advise the ~~applicable board or county official school board~~ of such revocation, and until again qualified hereunder such bank shall not be eligible to receive or retain deposits of any of the funds herein mentioned.

(2) On the first day of each month each county official and board maintaining funds on deposit in any such bank shall make and file with the clerk of the circuit court of such county a written report setting forth the balance of each fund on deposit in each bank in which such funds are deposited as of the close of business of the preceding month, and setting forth the estimate of such officer or board of the highest balance expected to be on deposit in each such bank during the ensuing month. ~~Not later than the 5th of each month the clerk of the circuit court shall consolidate the reports of all of said officers and boards as to each such bank and shall file such consolidated report with the department.~~

(3) If at any time after a bank has qualified as a county depository as herein provided, the security furnished by it becomes insufficient or inadequate, the ~~clerk of the circuit court of such county department~~ shall have authority, on such terms, conditions, and penalties as ~~he it~~ may prescribe, to require other securities of the kind herein authorized in such additional amounts to be provided as it may deem necessary. If, at any time after a bank has qualified as a county depository as herein provided, the security furnished by it becomes, by reason of decreases in balances or deposits, more than sufficient to meet the requirements, the ~~clerk of the circuit court of such county department~~ shall have the authority to authorize the security to be decreased to not less than the amount necessary to provide adequate safeguards for the funds deposited.

Section 2. Section 136.07, Florida Statutes, is amended to read:

136.07 Depositories to make reports; board to publish monthly statements.—Any bank acting as depository shall, at the end of each and every month, file with each board and officer for which it is a depository, ~~and with the Department of Banking and Finance,~~ a report, as to each account on deposit with it, showing the balances on hand at the beginning of the month, all sums received and paid out during the month, and balances on hand at the end of the month, and shall return with said report all checks or warrant or warrants properly canceled which the said bank has paid during the month; each board shall make and publish a statement ~~quarterly regarding the names of banks and amounts deposited in such banks monthly and at such other time as now required, or at such other times as may be required by the department or the board of county commissioners and other such reports and statements regarding the conditions of each and every fund, as now or as may be hereafter required by law.~~

Section 3. Section 136.08, Florida Statutes, is amended to read:

136.08 Accounts subject to examination by authorized persons.—The accounts of each and every board and the county accounts of each and every bank acting as depository, mentioned or provided for in this chapter, shall at all times be subject to the inspection and examination ~~by of the county auditor, and by the Auditor General and the Department of Banking and Finance or persons designated by it.~~

Section 4. This act shall take effect July 1, 1979.

Senator Vogt moved the following amendment which was adopted:

Amendment 3—On page 1 in title, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to county depositories; amending ss. 136.02(1), (2) and (3), 136.07, and 136.08, Florida Statutes, providing that the clerk of the circuit court of the county replace the Department of Banking and Finance as the agency responsible for maintaining records of collateral provided by county depositories; providing for quarterly publication of names of banks and amounts deposited; providing an effective date.

On motion by Senator Vogt, by two-thirds vote SB 586 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Mr. President	Grizzle	Myers	Tobiassen
Anderson	Hair	Peterson	Trask
Carlucci	Hill	Poole	Vogt
Childers, D.	Holloway	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Williamson
Fechtel	Johnston	Skinner	Winn
Frank	McClain	Steinberg	
Gorman	McKnight	Thomas	

Nays—None

On motion by Senator Hair, the Senate reconsidered the vote by which HJR 50 failed to pass this day.

HJR 50—A joint resolution proposing amendments to Section 5 of Article II and Sections 2 and 5 of Article XI of the State Constitution abolishing the Constitutional Revision Commission.

Be It Resolved by the Legislature of the State of Florida:

That the amendments to Section 5 of Article II and Sections 2 and 5 of Article XI of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1980:

ARTICLE II GENERAL PROVISIONS

SECTION 5. Public officers.—

(a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a ~~constitution revision commission~~, constitutional convention, or statutory body having only advisory powers.

(b) Each state and county officer, before entering upon the duties of the office, shall give bond as required by law, and shall swear or affirm:

"I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the state; and that I will well and faithfully perform the duties of _____ (title of office) _____ on which I am now about to enter. So help me God," and thereafter shall devote personal attention to the duties of the office, and continue in office until his successor qualifies.

(c) The powers, duties, compensation and method of payment of state and county officers shall be fixed by law.

ARTICLE XI AMENDMENTS

SECTION 2. Revision commission.—

(a) Within thirty days after the adjournment of the regular session of the legislature convened in the tenth year fol-

lowing that in which this constitution is adopted, and each twentieth year thereafter, there shall be established a constitution revision commission composed of the following thirty-seven members:

(1) the attorney-general of the state;

(2) fifteen members selected by the governor;

(3) nine members selected by the speaker of the house of representatives and nine members selected by the president of the senate; and

(4) three members selected by the chief justice of the supreme court of Florida with the advice of the justices.

(b) The governor shall designate one member of the commission as its chairman. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) Each constitution revision commission shall convene at the call of its chairman, adopt its rules of procedure, examine the constitution of the state, hold public hearings, and, not later than one hundred eighty days prior to the next general election, file with the secretary of state its proposal, if any, of a revision of this constitution or any part of it.

SECTION 5. Amendment or revision election.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution, initiative petition or report of ~~revision commission or~~ constitutional convention proposing it is filed with the secretary of state, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(c) If the proposed amendment or revision is approved by vote of the electors, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the substance of the amendments proposed herein shall appear on the ballot as follows:

Proposing amendments to Section 5 of Article II and Sections 2 and 5 of Article XI of the State Constitution to abolish the Constitution Revision Commission.

—was read in full, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Grizzle	Myers	Thomas
Anderson	Hair	Neal	Tobiassen
Barron	Henderson	Peterson	Trask
Carlucci	Hill	Poole	Williamson
Childers, W. D.	Holloway	Scarborough	Winn
Fechtel	Maxwell	Scott	
Gorman	McClain	Skinner	

Nays—12

Childers, D.	Jenne	McKnight	Stuart
Dunn	Johnston	Spicola	Vogt
Frank	MacKay	Steinberg	Ware

Votes after roll call:

Yea—Gordon

Nay—Chamberlin

On motion by Senator Holloway, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Transportation and Senator Scarborough and others—

SB 1304—A bill to be entitled An act relating to motor vehicle safety inspection; amending s. 20.24(2), Florida Statutes; establishing the Division of Motor Vehicle Safety Inspection in the Department of Highway Safety and Motor Vehicles and the bureaus within said division; amending s. 325.11, Florida Statutes; providing definitions; amending s. 325.12, Florida Statutes, 1978 Supplement; providing for designation by the division of the placement of inspection certificates; amending s. 325.13, Florida Statutes; providing for the expiration of inspection certificates pursuant to a schedule promulgated by the division; amending s. 325.14, Florida Statutes, 1978 Supplement; providing exemption for motor vehicles owned by licensed dealers under certain conditions; amending s. 325.19, Florida Statutes, 1978 Supplement; deleting provisions relating to engine emissions and exhaust system inspection; providing for adjustment of headlights in inspection stations in certain circumstances; creating s. 325.195, Florida Statutes; providing for inspection of metal license plates; amending s. 325.20, Florida Statutes; providing for privately operated inspection stations; amending s. 325.21, Florida Statutes; providing for division designation of self-inspectors; amending s. 325.22, Florida Statutes; providing for supervision of inspection stations by the division; amending s. 325.23, Florida Statutes; authorizing the division to establish certain procedures and rules and regulations; amending s. 325.24, Florida Statutes, 1978 Supplement; providing for the charging of fees by the division; amending s. 325.25, Florida Statutes; providing for submission of a budget by the division; amending s. 325.26, Florida Statutes; authorizing the division to adopt certain rules; amending s. 325.27, Florida Statutes; providing for the operation of inspection stations by counties; amending s. 325.272, Florida Statutes, 1978 Supplement; requiring division approval of inspection station schedules of operation; requiring evening and weekend hours of operation; repealing s. 325.141, Florida Statutes, as created by chapter 78-412, Laws of Florida, which requires registration prior to inspection; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 25, strike everything after the enacting clause and insert: Section 1. Subsection (2) of section 20.24, Florida Statutes, is amended to read:

20.24 Department of Highway Safety and Motor Vehicles.—There is created a Department of Highway Safety and Motor Vehicles.

(2) The following divisions and bureaus within the divisions of the Department of Highway Safety and Motor Vehicles are established:

- (a) Division of the Florida Highway Patrol;
- (b) Division of Driver Licenses; and
- (c) Division of Motor Vehicles.

1. Bureau of Motor Vehicle Inspection.

Section 2. Subsections (8) and (13) of section 325.11, Florida Statutes, are amended to read:

325.11 Definitions.—The following words and phrases when used in this part shall, for the purpose of this part, have the meanings respectively ascribed to them except where the context otherwise requires:

(8) "Station."—A facility ~~place of business~~ duly licensed by the department to conduct safety equipment inspections of motor vehicles as required under this part.

(13) "Motor vehicle."—Any vehicle which is self-propelled ~~and every vehicle which is propelled by electric power obtained from overhead trolley wires~~, excluding vehicles operated upon rails. "Motor vehicle" includes, but is not limited to, automobiles, trucks, motorcycles, motor-driven cycles, and all motor vehicles that are registered, or that are required to be registered by the registration laws of Florida. Trailers are excluded.

Section 3. Section 325.13, Florida Statutes, is amended to read:

325.13 Expiration of certificate; early inspection; reinspection schedule; failure to display certificate, penalty.—

(1) Every inspection certificate issued shall be valid for not less than 1 year and shall expire at midnight on the ~~last~~ day of the month designated on said inspection certificate. *The day of expiration of said certificate shall be established by the reinspection schedule promulgated by the department. Such schedule shall provide for midmonth and end-of-month expiration dates.*

(2) The owner of any motor vehicle bearing a current, valid inspection certificate may request that the automobile be inspected at any time, under the provisions of this chapter, before expiration of the certificate.

~~(3) Inspection certificates shall expire at midnight on the last day of the month in which the cars to which they are attached are next scheduled for inspection pursuant to the reinspection schedule to be promulgated by the department, anything on the certificate to the contrary notwithstanding.~~

~~(3)(4)~~ Except as provided in this section and in s. 325.15, it shall be unlawful and punishable as provided in s. 316.655 to operate any motor vehicle on any street or highway until there is displayed thereon a valid current inspection certificate.

~~(4)(5)~~ If the ~~designated last~~ day of the month falls on Saturday, Sunday, or a holiday and the inspection station is normally closed on those days, a vehicle may be presented for inspection on the first working day of the following ~~the expiration date month~~. The expired inspection certificate shall be considered valid and no delinquent fee or violation shall be charged.

~~(5)(6)~~ Any person who has been absent from the state and whose safety equipment inspection certificate for any vehicle owned by him and required to be inspected under the provisions of s. 325.12 shall have expired during such absence may operate such vehicle or allow it to be operated on the streets or highways of the state without reinspection for not more than 10 days from the date on which said person first returns to the state.

Section 4. Subsection (3) of section 325.14, F.S., is amended to read:

325.14 Inspection certificate required for sold vehicles; exemption.—

(3) Nothing in this chapter shall be construed to require a valid current inspection certificate for any motor vehicle owned by a motor vehicle dealer licensed under s. 320.27 and displaying a dealer tag thereon as authorized by s. 320.13(1) *(a) when such vehicle is being used for demonstration purposes, or when such vehicle is being driven from its point of purchase to the business location of the dealer, or between the business location of the dealer and a repair facility, or between the business location of the dealer and an inspection station.*

Section 5. Section 325.19, Florida Statutes, 1978 Supplement, is amended to read:

325.19 Requirements for approval before an ~~inspection approval~~ certificate may be issued for a motor vehicle.—

(1) The following articles and equipment of each vehicle shall be inspected by an approved safety equipment inspection station, as required in this part, to determine that they are in safe operating condition:

- (a) Brakes,
- (b) Lights,
- (c) Horn,
- (d) Steering mechanism,
- (e) Windshield wipers,
- (f) Directional signals,
- (g) Tires, and
- (h) Exhaust system.

~~(2) Engine operation shall be checked to determine that no excessive visible emissions are caused and that emission control devices installed pursuant to regulations prescribed by the Secretary of Health, Education and Welfare under Title II of the "Air Quality Act of 1967," Public Law 90148, (81 Stat. 400), are in place and in operational order. The foregoing shall apply only to 1968 and later model vehicles.~~

(2)(3) A tire shall be considered unsafe if it has:

- (a) Any ply or cord exposed;
- (b) Any bump, bulge, or knot affecting the tire structure;
- (c) Any break repaired with a boot;
- (d) A tread depth of less than 2/32 of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire, or, for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two tread grooves at three locations equally spaced around the circumference of the tire;
- (e) A marking "not for highway use," or "for racing purposes only"; or
- (f) Such other conditions as may be reasonably demonstrated to render it unsafe.

(3)(4) The inspection requirement herein provided for shall not exceed the standards provided for in this part, or the standards set for steering mechanism by the department for such equipment.

(4) If a vehicle is rejected because its headlights are out of alignment, and if the headlights could be adjusted without the removal or replacement of parts, if requested by the owner, then all inspection stations shall make such adjustment at the time of the inspection and at no expense to the owner or operator of the vehicle. Such rejection shall be recorded on the form furnished by the department with a notation that such adjustment was made at the inspection station.

~~(5) The number of miles indicated on the odometer at the time of the inspection and the certificate number from the previous inspection, if any, shall be recorded at the time of inspection on forms so provided for this purpose by the director and included in the records maintained as provided in s. 325.24.~~

(6) Exhaust system noise in excess of the maximum decibel level established by the department shall be cause for rejection.

(7) Every metal license plate shall be inspected for proper display, damage, legibility, and retroreflectivity; and every validation sticker shall be inspected for legibility and validity. Failing to meet these requirements shall be cause for rejection, and the tag [or sticker] shall be replaced upon application therefor and presentation of the tag [or sticker] to the tax collector or tag agency.

Section 6. Section 325.195, Florida Statutes, is created to read:

325.195 Inspection of metal license plates.—Every metal license plate shall be inspected for proper display, damage, legibility, and retroreflectivity; and every validation sticker

shall be inspected for legibility. Failure of a license plate or sticker to meet any of these requirements shall not be cause for rejection; however, the inspector shall give written notice of the failure to the owner or operator, which notice shall require that the plate or sticker be replaced within 14 days. The owner shall present the notice to the tax collector or tag agency and shall be issued a replacement plate at no charge as provided in s. 320.06(5)(b). The tax collector or tag agent shall certify on the notice that the replacement plate or sticker was issued and the owner shall return the certified notice to the inspection station by mail or by person.

Section 7. The introductory paragraph and subsection (2) of section 325.20, Florida Statutes, are amended to read:

325.20 *Privately operated safety equipment inspection stations; appointment by department.*—

(2) Any person, firm, or agency meeting the above requirements and desiring to be licensed as a motor vehicle inspection station may apply to the department on forms provided by it. The department shall cause an investigation of the application to be made to determine that the requirements in subsection (1) are met and that adequate and proper facilities to accommodate the public will be provided, as to the applicant's qualifications, and, if the applicant fulfills such qualifications, Upon satisfactory proof of same, the department shall issue a certificate of appointment to such person, firm or agency as a safety equipment inspection station. Such appointment shall be issued without charge and for a period of not more than 7 years and such appointment shall be effective for the period for which issued unless canceled by request of the inspection station or unless suspended or revoked for cause following a hearing by the department. The certificate of appointment shall not be transferable without the department's approval. If, as a result of the cancellation or revocation of a certificate of appointment, no authorized private safety equipment inspection stations are available in a county, the department may license the county to operate safety equipment inspection stations as authorized in s. 325.27.

Section 8. Section 325.22, Florida Statutes, is amended to read:

325.22 Supervision of safety equipment inspection stations.—

(1) The supervision of safety equipment inspection stations as authorized in this section shall be by the Division of Motor Vehicles. The uniformed members of the Florida Highway Patrol who are supervising the inspection program on the effective date of this act shall assist the division in performing its duties until January 1, 1980, at which time the transition shall be complete. Those uniformed members shall be reassigned by the Florida Highway Patrol to other duties authorized in chapter 321. Sufficient replacement civilian personnel shall be employed by the department to allow regularly scheduled audits of each inspection station at approximately 30-day intervals.

(2) When a person, firm, agency or county is designated as a safety equipment inspection station, the department shall record such appointment and shall cause periodic checks to be made to determine that inspections are being conducted in accordance with this part, and shall cause investigations to be made of bona fide complaints received regarding any such inspection stations.

(3) Beginning July 1, 1980, and at no longer than 3-year intervals thereafter, the department shall evaluate all privately operated and county operated inspection facilities to determine whether such facilities are adequate to accommodate the public. The department shall evaluate such facilities based on standards which shall include quantitative criteria for the determination of the necessary number of inspection lanes, access lanes, and personnel. If the evaluation reveals that the facilities are inadequate, the operator shall have a maximum of 12 months in which to provide the necessary improvements or to submit evidence of a specific plan of action, subject to division approval, to correct the deficiency. Failure of a county to take the required corrective action within 12 months shall result in permanent revocation of the county's license and the appointment of qualified private inspection stations in that county. Such failure on the part of a privately operated station within 12 months shall result in the permanent revocation of the inspection license.

Section 9. Section 325.24, Florida Statutes, 1978 Supplement, is amended to read:

325.24 Fees to be charged by safety equipment inspection station.—

(1) All inspection stations, except self-inspectors as designated herein, shall ~~may~~ charge a the required fee of \$3 (self-inspectors shall be prohibited from charging any fee) for inspecting a motor vehicle to determine compliance with this part and shall give the operator a receipt indicating the articles and equipment approved or disapproved and fee paid. When said vehicle is approved, upon payment to the inspection station of the fee, the inspection station shall affix a valid inspection certificate to said motor vehicle, and said inspection station shall maintain a record of the motor vehicles inspected which shall be available for 12 24 months. Such records shall be maintained in a manner that permits rapid reference to the previous certificate number, the vehicle identification number, and the name of the owner, and the recorded odometer reading for a motor vehicle. Orders for inspection certificates must be placed with the Department of Highway Safety and Motor Vehicles, Neil Kirkman Building, Tallahassee, and shall be accompanied by proper remittance in the amount of 40 cents for each certificate ordered. However, when any vehicle is inspected subsequent to the time required by this chapter, an additional delinquent fee of \$1 shall be paid. The delinquent fee shall be forwarded to the department and shall be credited against the 40-cent remittance required by this section. Said fee shall not be applicable to state agencies. Inspection certificates may be ordered only by licensed safety equipment inspection stations and self-inspectors as may be duly appointed from the department. Any order for inspection certificates placed in person at the department must be accompanied by written authorization upon forms furnished by the department from the station to which the certificates are to be issued. If order is placed by a person other than the person in whose name the station is licensed, or if authorization is not presented, the certificates will be delivered in a manner to be determined by the department. Orders received by mail will be filled and delivered to the requesting inspection station in a manner to be determined by the department. Licensed inspection stations and self-inspectors will, upon request, be furnished forms required to be used by this part. All licensed stations are required to keep an adequate supply of inspection certificates on hand at all times.

(2) All funds received by the department for inspection certificates shall be deposited in the General Revenue Fund of the state through the State Treasurer.

Section 10. Section 325.25, Florida Statutes, is amended to read:

325.25 Budget; administration.—

(1) The department shall submit a budget of the cost of administration of this part to the Governor as chief budget officer for approval by the Legislature; provided, however, that said budget shall not exceed the funds derived from the sale of inspection certificates. The Legislature shall advance such funds as may be necessary for the implementation of this part.

(2) The supervision of safety equipment inspection stations as authorized in s. 325.21 of this part shall be by uniformed members of the Florida Highway Patrol, and the department is hereby authorized to employ sufficient officers and personnel to efficiently administer the provisions of this part in accordance with the budget provided by the Legislature. Any such officers of the Florida Highway Patrol employed by the department shall be in addition to the normal complement of the Florida Highway Patrol as authorized in s. 321.04, and the department is hereby authorized to establish the necessary ranks within this section necessary to efficiently supervise the requirements of this part. It is the express intent of the Legislature that at least 80 percent of the funds accumulating to the General Revenue Fund from this part shall be used to properly supervise and fulfill the requirements of the safety equipment inspection of motor vehicles.

Section 11. Section 325.26, Florida Statutes, is amended to read:

325.26 Department to issue rules.—It is hereby declared to be the express intent of the Legislature that the provisions of this part shall be carried out by the department for the safety and convenience of the motoring public. The department shall have

authority to promulgate rules which are reasonably necessary for carrying out the provisions of this inspection program. No later than March 1, 1980, the department shall submit recommendations to the transportation committees of the Senate and House of Representatives for the rules to be adopted for supervision of the program including the standards authorized in s. 325.22 for the evaluation of inspection facilities, and the reinspection schedule for bimonthly expiration dates authorized in s. 325.13(1). However, if the department issues any rule increasing the minimum area requirements for inspection stations, any inspection station licensed under this part holding a valid inspection station license at the time of the issuance of the rule shall be exempt from the operation of the rule as long as the station continues to be licensed and continues to be operated under the same ownership and at the same location. This exemption shall terminate upon a change of ownership or location of the inspection station. For the purposes of this section, the construction of a new facility to replace or enlarge an existing inspection station or the addition of inspection lanes to an existing inspection station shall be considered to be a change of location; however, only the new building or the addition to the existing building shall be required to comply with any such rule increasing minimum area requirements.

Section 12. Section 325.27, Florida Statutes, is amended to read:

325.27 Operation of inspection stations by counties.—Whenever any county of this state shall make application through its duly elected county officials for a license to operate inspection stations as authorized provided for in s. 325.20(2) this part, the department shall cause an investigation of said application to determine that the requirements of s. 325.20(1) except paragraph (a) will be met and provided for by said county and that adequate and proper facilities to accommodate the public will be provided. Upon satisfactory proof of same, the department shall issue to said county a license to operate the exclusive rights of inspection stations within its boundaries until same shall be revoked for cause as provided for in this part; provided, however, that such jurisdiction within the confines of any county shall not apply to any approved self-inspector meeting the requirements of this part. Any county licensed to operate inspection stations on the effective date of this act shall continue to have exclusive rights of operation within its boundaries unless such license is revoked for cause. Any county desiring rights under this part shall make proper application for said license prior to January 1, 1968, or forfeit any rights under this part. Any county or municipality to which has been issued a license to operate the rights of inspection stations within its boundaries is hereby authorized to pledge its share of inspection fees for the purpose of issuing revenue certificates for the purchase and construction of adequate and proper facilities for the purpose of this part. The revenue certificates authorized herein may be issued under the provisions of chapter 159, or other appropriate special or general legislation. The department shall notify each county of the state of its rights under this section at least 60 days prior to January 1, 1968.

Section 13. Section 325.272, Florida Statutes, 1978 Supplement, is amended to read:

325.272 Inspection stations; days and hours of operation.—Inspection stations shall be operated for the convenience of the motoring public. The schedule of operation of all inspection stations shall be subject to approval by the department and shall provide for evening and weekend hours of operation. At least one inspection station in every county shall be open for the inspection of motor vehicles on Saturday. The several boards of county commissioners may select a weekday on which the aforesaid stations shall normally be closed. The provisions of this subsection shall not apply to any county having a population of 25,000 or fewer persons and shall not apply to counties having privately run inspection stations.

Section 14. Section 325.141, F. S., as created by chapter 78-412, Laws of Florida, is hereby repealed.

Section 15. This act shall take effect July 1, 1979, and the provisions thereof shall expire and be void and inoperative July 1, 1982.

Amendment 2—On pages 1 and 2, strike entire title and insert: An act relating to motor vehicle safety inspection; amending s. 20.24 (2), F. S., transferring the Bureau of Motor Vehicle Inspection from the Division of Florida Highway Patrol to the Division of Motor Vehicles; amending s. 325.11(8) & (13),

F. S., clarifying certain definitions; amending s. 325.13, F. S., authorizing the department to provide for midmonth and end-of-month expiration of certificates; amending s. 325.14(3), F. S., providing that vehicles owned by a motor vehicle dealer not be required to have inspection certificates under certain conditions; amending s. 325.19, F. S., deleting the requirement that certain items be inspected before a certificate may be issued; creating s. 325.195, F. S., providing for the replacement of a tag upon being damaged or becoming illegible; amending s. 325.20(2), F. S., providing that the facilities of privately operated stations be adequate to accommodate the needs of the public; amending s. 325.22, F. S., requiring the inspection program be transferred to the Division of Motor Vehicles; reassigns the members of the patrol who are currently conducting the program to other duties; provides for replacement civilian personnel to administer the program; requires an evaluation of all privately operated stations at three year intervals; amends s. 325.24, F. S., deleting the requirement that the odometer reading be recorded; amends s. 325.25, F. S., deleting the requirement that the program be supervised by uniformed members of the Florida Highway Patrol; amending s. 325.26, F. S., requiring the department to make certain reports to the Legislature; amending s. 325.27, F. S., providing for operation of inspection stations by counties; amending s. 325.272, F. S., regulating the hours of operations; repealing section 325.141, F. S., providing an effective date.

On motions by Senator Holloway, the Senate concurred in the House Amendments.

SB 1304 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Grizzle	McClain	Steinberg
Anderson	Hair	McKnight	Thomas
Carlucci	Henderson	Myers	Tobiasen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Fechtel	Jenne	Scarborough	Ware
Frank	Johnston	Scott	Williamson
Gorman	Maxwell	Skinner	Winn

Nays—None

The bill was ordered engrossed and then enrolled.

SPECIAL ORDER, continued

By the Committee on Commerce and Senators Jenne, Poole and MacKay—

CS for SB 1218—A bill to be entitled An act relating to group life and group disability insurance; creating s. 627.429, Florida Statutes; prescribing requirements for solicitation of coverage in this state under group disability and group life insurance policies issued in another jurisdiction; providing exceptions; amending s. 627.410(1), Florida Statutes, 1978 Supplement; providing for the informational filing of certificates for policies not requiring Department of Insurance approval; providing an effective date.

—was read the first time by title and SB 1218 was laid on the table.

On motion by Senator Jenne, by two-thirds vote CS for SB 1218 was read the second time by title.

Senator Jenne moved the following amendments which were adopted:

Amendment 1—On page 1, strike on line 23, after the word "jurisdiction" everything through line 31 up to and including the word "Insurance," and insert: except for group disability policies covering employee groups as defined by s. 627.653 or one or more labor unions, or under a group life insurance policy issued in another jurisdiction, except for group life insurance policies covering groups as defined in s. 627.552, employee groups, s. 627.554, labor union groups, or s. 627.555, trustee groups, unless the policy forms, certificate forms and enrollment forms related thereto and the benefits thereunder comply with Part V or Part VII of this Chapter, whichever is applicable, in the same manner as required by this Code of a policy, including related forms, delivered or issued for delivery in this

state and unless such forms have been filed with the Department of Insurance at its office in Tallahassee by or on behalf of the insurer which proposes to use such forms.

Amendment 2—On page 2, lines 25 and 26, strike "approval of the department" and insert: *the requirements of s. 627.429, Florida Statutes*

Amendment 3—On page 1 in title, lines 11 and 12, strike both of said lines and insert: for policies not subject to the requirements of s. 627.429, Florida Statutes; providing an effective

On motion by Senator Jenne, by two-thirds vote CS for SB 1218 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Grizzle	McKnight	Spicola
Anderson	Hair	Myers	Steinberg
Carlucci	Henderson	Neal	Thomas
Chamberlin	Hill	Peterson	Tobiasen
Childers, D.	Jenne	Poole	Trask
Childers, W. D.	Johnston	Scarborough	Vogt
Frank	MacKay	Scott	Williamson
Gorman	Maxwell	Skinner	Winn

Nays—2

Fechtel McClain

HB 729—A bill to be entitled An act relating to the Florida Capitol Center Planning District; amending s. 272.12(2)(a) and (b), Florida Statutes, 1978 Supplement, providing new terms for members of the Capitol Center Planning Commission; providing for staggering of terms; providing for conditional repeal; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 729 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Hair	Myers	Thomas
Anderson	Henderson	Neal	Tobiasen
Carlucci	Hill	Peterson	Trask
Childers, D.	Jenne	Poole	Vogt
Childers, W. D.	Johnston	Scarborough	Ware
Fechtel	MacKay	Scott	Williamson
Frank	Maxwell	Skinner	Winn
Gorman	McClain	Spicola	
Grizzle	McKnight	Steinberg	

Nays—1

Chamberlin

Vote after roll call:

Nay to Yea—Chamberlin

On motions by Senator MacKay, by two-thirds vote HB 1227 was withdrawn from the Committees on Education and Rules and Calendar.

On motions by Senator MacKay, the rules were waived and by two-thirds vote SB 703 was withdrawn from the Committees on Education and Rules and Calendar and placed last on the local bill calendar.

By the Committee on Judiciary-Criminal and Senator Skinner—

CS for SB 805—A bill to be entitled An act relating to railroads; amending s. 860.05, Florida Statutes; prohibiting certain interference with railroad trains; providing penalty; amending s. 860.03, Florida Statutes; prohibiting certain interference with railroad signals; providing penalty; amending s. 860.09, Florida Statutes; prohibiting interference with railroad track, switches, or other equipment; providing penalty; creating s. 860.091, Florida Statutes; providing penalty for certain acts resulting in

death; creating s. 860.121, Florida Statutes; prohibiting shooting at, throwing certain objects at, or placing certain objects in the path of a railroad vehicle; providing penalties; repealing s. 860.06, Florida Statutes, relating to unauthorized persons boarding trains; providing an effective date.

—was read the first time by title and SB 805 was laid on the table.

On motions by Senator Skinner, by two-thirds vote CS for SB 805 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

Anderson	Hill	Scott	Vogt
Chamberlin	Johnston	Skinner	Ware
Childers, D.	MacKay	Spicola	Williamson
Childers, W. D.	McClain	Steinberg	Winn
Fechtel	McKnight	Thomas	
Gorman	Peterson	Tobiassen	
Grizzle	Scarborough	Trask	

Nays—None

Votes after roll call:

Yea—Frank, Hair

SB 1261—A bill to be entitled An act relating to the regulation of bail bondsmen and runners; amending s. 648.25(6), Florida Statutes; allowing general lines agents to employ runners; adding s. 648.27(9), Florida Statutes, 1978 Supplement; providing a procedure for application for a general agent's permit; creating s. 648.301, Florida Statutes; requiring general agents to obtain a permit and pay a fee; amending s. 648.31(1), Florida Statutes; increasing certain license fees; amending s. 648.34(3), Florida Statutes; requiring the Department of Insurance to collect a fee from applicants to be bail bondsmen to cover the cost of a credit report; creating s. 648.351, Florida Statutes; exempting bail bondsmen, runners, or applicants for licensure as bail bondsmen or runners from the provisions of chapter 112, Florida Statutes; amending s. 648.36(1), Florida Statutes; requiring bail bondsmen and general lines agents to maintain and keep open for inspection by the Commissioner of Insurance certain records for 3 years; adding s. 648.37(1)(e), Florida Statutes; providing certain qualification requirements for runners; amending s. 648.37(2), Florida Statutes; requiring a fee of \$15 to accompany an application to be a runner; creating s. 648.421, Florida Statutes; requiring licensees under chapter 648, Florida Statutes, to notify the Department of Insurance of any change of address; amending s. 648.44(1)(g), (3), Florida Statutes, and adding subsections (6) and (7) to said section; providing prohibitions for bail bondsmen and runners; creating s. 648.441, Florida Statutes; prohibiting furnishing supplies to unlicensed bail bondsmen; providing penalties; amending s. 648.45, Florida Statutes; requiring and authorizing the department to deny, suspend, or revoke licenses; creating s. 648.451, Florida Statutes; providing that licensed bail bondsmen and runners and general lines agents engaged in the bail bond business are subject to the Unfair Insurance Trade Practices Act; amending s. 648.46(1), Florida Statutes, 1978 Supplement; providing for immediate revocation of licenses upon conviction of a felony; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Williamson and adopted:

Amendment 1—On page 2, line 29, after the word "agent" add the words "or insurer"

Amendment 2—On page 2, line 31, after the word "agent" add the words "or insurer"

Amendment 3—On page 3, line 2, after the word "agent" add the words "or insurer"

Amendment 4—On page 3, line 5, after the word "agent" add the words "or insurer"

Amendment 5—On page 6, line 1, insert: after the word "principal" for providing a bail bond

Amendment 6—On page 6, line 5, insert after the word "upon": *performance by the principal of the bond terms and conditions, and*

Amendment 7—On page 6, line 12, strike "Such collateral security shall not be placed in any interest bearing account or be used in any manner for pecuniary gain by the bail bondsman or other person." and insert: *The bail bondsman shall not receive any interest on the collateral security held in a fiduciary capacity nor shall such collateral security be used in any manner for the pecuniary gain of the bail bondsman.*

Amendment 8—On page 6, line 21, strike "the period" and insert: "," except for rewards in connection with the recovery of a principal who has failed to appear.

Amendment 9—On page 6, line 25, strike "the period" and insert: "," except for rewards in connection with the recovery of a principal who has failed to appear.

Amendment 10—On page 7, line 4, insert: after the word "opened," the word "advertised,"

Amendment 11—On page 9, line 18, strike "," which felony involves moral turpitude,"

Amendment 12—On page 9, line 19, strike "or" and insert: of

Amendment 13—On page 9, line 22, strike "when the principal is entitled thereto." and insert: *after the surety's liability on the bond has been terminated.*

On motion by Senator Williamson, by two-thirds vote SB 1261 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Anderson	Grizzle	McClain	Thomas
Barron	Hair	McKnight	Tobiassen
Carlucci	Henderson	Myers	Trask
Chamberlin	Hill	Neal	Vogt
Childers, D.	Holloway	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Williamson
Fechtel	Johnston	Skinner	Winn
Frank	MacKay	Spicola	
Gorman	Maxwell	Steinberg	

Nays—1

Mr. President

Vote after roll call:

Yea—Peterson

On motion by Senator Don Childers, by unanimous consent—

HB 1580—A bill to be entitled An act relating to the Administrative Procedure Act; amending the introductory paragraph of s. 120.57, Florida Statutes, 1978 Supplement, and creating s. 120.575, Florida Statutes, providing a separate procedure with regard to proceedings involving state contracts; providing for the applicability of such procedures; adding subsection (15) to s. 120.68, Florida Statutes, 1978 Supplement, prohibiting the district court of appeal and the Supreme Court from enjoining or staying agency action with respect to state contracts; amending s. 120.73, Florida Statutes, 1978 Supplement, providing that nothing in the Administrative Procedure Act shall be construed to provide an alternative forum for those actions in eminent domain elsewhere provided by law; providing for severability; providing an effective date.

—was taken up and read the second time by title. On motion by Senator Don Childers, by two-thirds vote HB 1580 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Childers, D.	Grizzle	Jenne
Anderson	Fechtel	Hair	Johnston
Barron	Frank	Hill	MacKay
Chamberlin	Gorman	Holloway	Maxwell

McClain	Poole	Steinberg	Vogt
McKnight	Scarborough	Stuart	Ware
Myers	Scott	Thomas	Williamson
Neal	Skinner	Tobiasen	Winn
Peterson	Spicola	Trask	

Nays—1

Childers, W. D.

On motion by Senator Don Childers, by unanimous consent—

HB 1653—A bill to be entitled An act relating to administrative procedures; amending s. 120.52(1)(c), (9) and (10), Florida Statutes, 1978 Supplement, redefining the terms "order" and "party" for the purposes of the Administrative Procedure Act; adding subsection (4) to s. 120.53, Florida Statutes, authorizing agencies to designate an official reporter to publish and index agency orders; amending s. 120.54(4)(c) and (11), Florida Statutes, 1978 Supplement, authorizing agencies to proceed with all steps in the rulemaking process, except filing for adoption, while a petition for administrative determination is pending; increasing the time limit on the filing of rules; requiring agencies to certify that time limitations for filing rules have been complied with and that no administrative determination is pending and requiring the Department of State to reject rules upon which an administrative determination is pending or which are not within the prescribed time limitations; requiring that a statement of changes to a proposed rule be delivered to persons requesting such statement; setting a time for providing statements of changes; amending s. 120.55(1)(f) and (3)(a), Florida Statutes, 1978 Supplement, and adding a new paragraph (f) to subsection (1); requiring the Department of State to remove from the Florida Administrative Code rules the authority for which has been repealed and increasing the number of copies of the Florida Administrative Code and the Florida Administrative Weekly to be furnished to the Administrative Procedures Committee; amending s. 120.565, Florida Statutes, 1978 Supplement, providing that educational units shall give notice of petitions for declaratory statements and the disposition of those statements in the manner provided for noticing rules; amending s. 120.60(6), Florida Statutes, 1978 Supplement, providing for summary restriction or limitation of a license as well as summary suspension; transferring s. 120.63 (3), Florida Statutes, relating to the exemption of the Division of Pari-mutuel Wagering from the hearing and notice requirements of the act; providing an effective date.

—was taken up and read the second time by title. On motion by Senator Don Childers, by two-thirds vote HB 1653 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Anderson	Gorman	McKnight	Steinberg
Barron	Grizzle	Myers	Stuart
Carlucci	Hair	Neal	Thomas
Chamberlin	Hill	Peterson	Tobiasen
Childers, D.	Holloway	Poole	Trask
Childers, W. D.	Jenne	Scarborough	Vogt
Dunn	Johnston	Scott	Ware
Fechtel	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

Vote after roll call:

Yea—McClain

On motion by Senator MacKay, the Senate reconsidered the vote by which—

HB 575—A bill to be entitled An act relating to emergency medical services; adding a subsection to s. 401.23, Florida Statutes, providing a definition; amending s. 401.46, Florida Statutes, including described organizations among those eligible to contract for certain services; including fire rescue services providing advanced life support services under certification requirements; specifying designation of fire rescue service vehicles; providing an effective date.

—passed as amended. The vote was:

Yeas—18

Carlucci	Grizzle	McKnight	Stuart
Chamberlin	Jenne	Myers	Trask
Childers, D.	Johnston	Neal	Vogt
Dunn	MacKay	Spicola	
Frank	Maxwell	Steinberg	

Nays—17

Mr. President	Gorman	McClain	Ware
Anderson	Hair	Poole	Williamson
Barron	Henderson	Scott	
Childers, W. D.	Hill	Thomas	
Fechtel	Holloway	Tobiasen	

On motion by Senator MacKay, the Senate reconsidered the vote by which HB 575 was read the third time. The vote was:

Yeas—21

Carlucci	Grizzle	Myers	Stuart
Chamberlin	Jenne	Neal	Trask
Childers, D.	Johnston	Peterson	Vogt
Dunn	MacKay	Skinner	
Frank	Maxwell	Spicola	
Gordon	McKnight	Steinberg	

Nays—16

Mr. President	Gorman	Holloway	Thomas
Anderson	Hair	McClain	Tobiasen
Barron	Henderson	Scarborough	Ware
Fechtel	Hill	Scott	Williamson

On motion by Senator Scarborough, the Senate reconsidered the vote by which Amendment 4 failed:

Amendment 4—On page 2, strike line 19 and insert: Section 3. Section 401.21, Florida Statutes, is amended to read:

401.21 Short title.—Sections 401.21-401.47 ~~401.45~~ shall be known and may be cited as the "Florida Emergency and Non-emergency Medical Services Act of 1973."

Section 4. Subsections (1), (4), and (5) of section 401.23, Florida Statutes, are amended and subsection (15) is added to said section to read:

401.23 Definitions.—As used in this act, unless the context clearly indicates otherwise:

(1) "Ambulance" means any private or publicly owned land, air, or water vehicle that is designed, constructed, reconstructed, maintained, equipped, or operated, and is used for, or intended to be used for, air, land, or water transportation of persons who are in need of emergency medical attention ~~sick, injured, or otherwise helpless~~.

(4) "License" means any authorization to provide ambulance or nonemergency medical transportation services issued pursuant to the provisions of this act.

(5) "Permit" means any authorization issued pursuant to the provisions of this act for a vehicle to be operated as an ambulance or as a nonemergency medical transportation vehicle.

(15) "Nonemergency medical transportation vehicle" means any privately or publicly owned land, air, or water vehicle that is designed, constructed, reconstructed, maintained, equipped, or operated, and is used for, or intended to be used for, air, land, or water transportation of persons with a nonemergency condition requiring specialized transportation, including wheelchair ambulance service companies.

Section 5. Section 401.24, Florida Statutes, is amended to read:

401.24 Emergency and nonemergency medical transportation services; state plan.—The department is responsible for the improvement and regulation of emergency and nonemergency medical transportation services. In addition to the duties otherwise imposed by this act, it shall develop and periodically revise a comprehensive state plan for emergency and nonemergency

medical transportation services. The state plan shall include, but not be limited to:

- (1) Procedures for facility and system planning.
- (2) Requirements for the operation and coordination of ambulances, nonemergency transportation vehicles, and other medical emergency care components.
- (3) The definition of areas of responsibility for regulation and planning.

Section 6. Subsections (1), (2), (4), (7), and (8) of section 401.25, Florida Statutes, 1978 Supplement, are amended to read:

401.25 *Emergency or nonemergency medical transportation Ambulance service license.*—

(1) Every person, firm, corporation, association or governmental entity owning or acting as agent for the owner of any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in the business or service of transporting sick, injured, handicapped, or otherwise incapacitated persons upon the streets, highways, waterways, or airways of this state shall submit a written application to the Department of Health and Rehabilitative Services. *Hospitals transporting their own patients in their own vehicles are exempt from this section if they do not charge a fee for this service.*

(2) The application shall include:

(a) The name and business address of the operator and owner of the ambulance service, nonemergency medical transportation service, or proposed ambulance service, or proposed nonemergency medical transportation service.

(b) The name under which the applicant will operate.

(c) A list of the names and addresses of all officers, directors, and shareholders.

(d) A description of each vehicle ambulance to be used, including the make, model, year of manufacture, mileage, motor and chassis numbers, passenger capacity, size, and gross weight of each vehicle; state or federal aviation or marine registration number where applicable; and the color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate the applicant's vehicle ambulance or vehicles ambulances.

(e) The location and description of the place or places from which the emergency or nonemergency medical transportation ambulance service will operate.

(f) A statement reasonably describing the geographic area or areas to be served by the applicant.

(g) Such other information as the department deems reasonable and necessary.

(4) The department is authorized to suspend or revoke a license at any time if it determines that the licensee has failed to maintain compliance with the requirements prescribed for operating an emergency or nonemergency medical transportation ambulance service.

(7) The department shall issue temporary licenses to applicants presently providing emergency or nonemergency medical transportation ambulance service but not meeting required standards, valid for a period not to exceed 1 year, when it determines that there is no other such ambulance service available in an area and that the public interest, safety, and convenience will be served. As a condition for the issuance of a temporary license, the applicant must initiate appropriate steps to insure that the business or service meets the prescribed standards within 1 year from the date of issuance of the license.

(8) The governing body of each county is authorized to adopt ordinances providing reasonable standards for certificates of public convenience and necessity for emergency or non-emergency medical transportation services ambulance service.

Section 7. Section 401.26, Florida Statutes, 1978 Supplement, is amended to read:

401.26 *Emergency and nonemergency medical transportation service Ambulance permits.*—

(1) Every emergency ambulance business or nonemergency medical transportation service licensed under the provisions of this act shall possess a valid permit for each ambulance or vehicle in use. Application for such ambulance permits shall be made upon forms and in accordance with procedures prescribed by the Department of Health and Rehabilitative Services.

(2) Prior to issuing an original or a renewal permit for a vehicle an ambulance, the department shall inspect each vehicle and determine whether it meets all requirements of vehicle design, construction, communications, medical equipment and supplies, and sanitation prescribed in this act for such vehicle and in regulations promulgated by the department.

(3) The department is authorized to suspend or revoke a an ambulance permit if it determines that the vehicle or its equipment fails to meet the requirements specified in this act or in the regulations of the department.

(4) Permits issued in accordance with the provisions of this section shall be valid for a period of 1 year from the date of issuance.

(5) The requirements for renewal of any ambulance permit issued under the provisions of this act shall be the same as requirements current at the time of renewal for an original permit.

(6) The department may issue a temporary permit permits for any vehicle ambulances not meeting required standards, valid for a period not to exceed 1 year, when it determines that there is no other emergency or nonemergency medical transportation ambulance service available in an area and that the public interest, safety, and convenience will be served. As a condition for the issuance of a temporary permit the emergency or nonemergency medical transportation service ambulance owner must initiate appropriate steps to insure that within 1 year the vehicle will conform to the prescribed regulations.

Section 8. Sections 401.31, 401.35, 401.38, and 401.40, Florida Statutes, are amended to read:

401.31 *Inspection and examination.*—

(1) In order to carry out the requirements of this act the Department of Health and Rehabilitative Services shall inspect each emergency and nonemergency medical transportation ambulance service licensee, including ambulances, vehicles, equipment, personnel, records, premises, and operational procedures, at reasonable times and whenever such inspection is deemed necessary by the department, but in no event less frequently than once a year. The periodic inspection required by this section shall be in addition to other state or local motor vehicle safety inspections required for ambulances or other motor vehicles under general law or ordinance.

(2) The department shall, in the course of the inspections provided for in subsection (1), determine the continuing compliance of each business, ambulance, vehicle, emergency medical technician, and driver to the requirements of this act and the rules promulgated by the department.

401.35 *Rules.*—In consultation with appropriate representatives of emergency medical teams employed by public agencies and nonemergency medical transportation services, the Department of Health and Rehabilitative Services shall promulgate rules necessary to carry out the purposes of this act. These rules shall provide at least:

(1) Minimum standards governing the ambulance sanitation and maintenance of emergency and nonemergency medical transportation vehicles.

(2) Minimum standards governing emergency medical technician and driver training and qualifications.

(3) Minimum standards for ambulance equipment and supplies at least as comprehensive as those promulgated by the American College of Surgeons governing ambulance equipment and supplies, including provisions for two-way communications.

(4) Minimum standards at least equal to those recommended by the United States Department of Transportation governing vehicle design and construction.

(5) On or before January 1, 1978, minimum standards for design and construction of vehicles providing advanced life-

support services, standards for equipment, and vehicle staffing standards.

401.38 Participation in federal programs.—The department shall develop federal funding proposals and apply for all federal funds available to carry out the purposes of this act. The department is authorized to participate in those federal programs aimed at the delivery of emergency medical services or nonemergency medical transportation services and shall include such programs in its comprehensive plan.

401.40 Service operated by funeral establishment.—Any emergency or nonemergency medical transportation ambulance service operated out of a facility licensed under chapter 470 shall keep its records separate from those of the funeral establishment and maintain a separate phone number.

Section 9. Section 401.22, Florida Statutes, is hereby repealed.

Section 10. The 1982 repeal of sections 401.21, 401.23, 401.24, 401.25, 401.26, 401.31, 401.35, 401.38, and 401.40, Florida Statutes, by chapter 76-168, Laws of Florida, as amended, shall not be affected by the amendment of those sections by this act.

Section 11. Notwithstanding any other provision of law, vehicles required to be licensed under this act shall not be subject to regulation under chapter 323 or chapter 350, Florida Statutes, and all statutory powers, duties and functions of the Florida Public Service Commission with respect to such vehicles are hereby declared to be void and inoperative.

Section 12. The provisions of this act shall not apply to public bus system vehicles.

Section 13. This act shall take effect July 1, 1979, except that sections 1 and 2 shall take effect October 1, 1979.

Senator Scarborough presiding

Amendment 4 was adopted.

The vote was:

Yeas—20

Anderson	Frank	MacKay	Spicola
Carlucci	Gordon	McKnight	Steinberg
Chamberlin	Grizzle	Myers	Stuart
Childers, D.	Jenne	Neal	Trask
Dunn	Johnston	Peterson	Vogt

Nays—17

Barron	Henderson	Scarborough	Ware
Childers, W. D.	Hill	Scott	Williamson
Fechtel	Holloway	Skinner	
Gorman	Maxwell	Thomas	
Hair	McClain	Tobiasen	

Senator MacKay moved that the rules be waived and HB 575 as amended be read the third time by title. The motion failed.

By the Committee on Health and Rehabilitative Services and Senator Vogt—

CS for SB 1257—A bill to be entitled An act relating to spouse abuse; amending s. 409.602, Florida Statutes, 1978 Supplement; providing definitions; amending s. 409.603, Florida Statutes, 1978 Supplement; directing the Department of Health and Rehabilitative Services to establish health, safety, and minimum program requirement standards for certifying spouse abuse centers to receive state funds; directing the department to receive and process application for state funding of centers; directing the department to prescribe by rule the standards for certification of a center; amending s. 409.605, Florida Statutes, 1978 Supplement; establishing requirements which a center must meet in order to be certified and receive funding; authorizing the entrance and inspection of spouse abuse facilities; providing for out-patient services for victims of spouse abuse; amending s. 409.606, Florida Statutes, 1978 Supplement; providing that information received by a center or the department relating to spouse abuse shall be confidential and exempt from the provisions of the public records act; amending s. 409.607,

Florida Statutes, 1978 Supplement; permitting law enforcement officers to notify persons subject to spouse abuse of the availability of center services; amending s. 741.01(2), Florida Statutes, 1978 Supplement; directing county court judges and clerks of circuit courts to collect an additional \$5 fee upon receipt of an application for the issuance of a marriage license which fee shall be used to fund spouse abuse centers; providing an effective date.

—was read the first time by title and SB 1257 was laid on the table.

On motion by Senator Vogt, by two-thirds vote CS for SB 1257 was read the second time by title.

Pending further consideration of CS for SB 1257, on motions by Senator Vogt, the rules were waived and by two-thirds vote HB 1782 was withdrawn from the Committees on Health and Rehabilitative Services and Ways and Means.

On motion by Senator Vogt by unanimous consent—

HB 1782—A bill to be entitled An act relating to spouse abuse; providing a definition; providing for the issuance of restraining orders, without the necessity of legal representation, in cases where spouse abuse is alleged; amending s. 409.602, Florida Statutes, 1978 Supplement; providing definitions; amending s. 409.603, Florida Statutes, 1978 Supplement; directing the Department of Health and Rehabilitative Services to establish health, safety, and minimum program requirement standards for certifying spouse abuse centers to receive state funds; directing the department to receive and process applications for state funding of centers; authorizing the entrance and inspection of such facilities; directing the department to prescribe by rule the standards for certification of a center; amending s. 409.605, Florida Statutes, 1978 Supplement; establishing requirements which a center must meet in order to be certified and receive funding; providing for out-patient services for victims of spouse abuse; amending s. 409.606, Florida Statutes, 1978 Supplement; providing that information received by a center or the department relating to spouse abuse shall be confidential and exempt from the provisions of the public records act; amending s. 409.607, Florida Statutes, 1978 Supplement; permitting law enforcement officers to notify persons subject to spouse abuse of the availability of center services; amending s. 741.01(2), Florida Statutes, 1978 Supplement; directing county court judges and clerks of circuit courts to collect an additional \$5 fee upon receipt of an application for the issuance of a marriage license which fee shall be used to fund spouse abuse centers; providing an effective date.

—a companion measure, was substituted for CS for SB 1257 and read the second time by title.

Senator Vogt moved the following amendments which were adopted:

Amendment 1—On page 2, strike lines 13-31, and on page 3, strike lines 1-24 and renumber subsequent sections.

Amendment 2—On page 1 in title, lines 2-6, strike beginning with word "providing" on line 2 through the semicolon on line 6

On motion by Senator Vogt, by two-thirds vote HB 1782 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Anderson	Gorman	Maxwell	Spicola
Barron	Grizzle	McClain	Steinberg
Carlucci	Hair	McKnight	Thomas
Chamberlin	Henderson	Myers	Tobiasen
Childers, D.	Hill	Neal	Vogt
Childers, W. D.	Holloway	Peterson	Ware
Dunn	Jenne	Poole	Williamson
Fechtel	Johnston	Scarborough	Winn
Frank	MacKay	Scott	

Nays—None

CS for SB 1257 was laid on the table.

Consideration of SB 896 was deferred.

HB 1527—A bill to be entitled An act relating to the Central and South American and Caribbean Trade and Development Commission; repealing ss. 288.40, 288.41, and 288.42, Florida Statutes, 1978 Supplement, which created the commission; providing an effective date.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 1527 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Barron	Grizzle	Neal	Tobiasen
Carlucci	Henderson	Peterson	Trask
Chamberlin	Hill	Poole	Vogt
Childers, D.	Holloway	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Williamson
Dunn	Johnston	Skinner	Winn
Fechtel	Maxwell	Spicola	
Frank	McClain	Steinberg	
Gorman	Myers	Thomas	

Nays—None

Votes after roll call:

Yea—Hair, MacKay, McKnight

On motion by Senator Neal, by unanimous consent—

HB 1548—A bill to be entitled An act relating to operators of motor vehicles; amending s. 324.072(1), Florida Statutes, 1978 Supplement, deleting the requirement that the Department of Highway Safety and Motor Vehicles suspend motor vehicle registration of any person who failed to honor the requirements of the uniform traffic citation and whose driver's license has been suspended or revoked therefor unless it can verify financial responsibility of such person; providing an effective date.

—was taken up and read the second time by title. On motion by Senator Neal, by two-thirds vote HB 1548 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Anderson	Gorman	Maxwell	Skinner
Barron	Grizzle	McClain	Spicola
Carlucci	Hair	McKnight	Steinberg
Chamberlin	Henderson	Myers	Thomas
Childers, D.	Hill	Neal	Trask
Childers, W. D.	Holloway	Peterson	Vogt
Dunn	Jenne	Poole	Williamson
Fechtel	Johnston	Scarborough	Winn
Frank	MacKay	Scott	

Nays—None

On motion by Senator Barron, the rules were waived and by two-thirds vote SB 705 was placed first on the special order calendar for the afternoon session.

Consideration of SB 867 was deferred.

HB 1555—A bill to be entitled An act relating to economic development; amending s. 288.075, Florida Statutes, relating to confidentiality of records, to define "economic development agency" for purposes of provisions providing that economic plans, intentions, or interests of certain corporations held by economic development agencies be confidential; extending the time period in which such confidentiality shall apply to any particular plan held by such agencies; providing an effective date.

—was read the second time by title.

On motion by Senator Ware, further consideration of HB 1555 was deferred.

Consideration of HB 1063, SB 1252 and SB 1282 was deferred.

HB 702—A bill to be entitled An act relating to cooperatives; creating s. 719.112, Florida Statutes, requiring all cooperative unit owners to approve certain changes unless otherwise provided in the original cooperative documents; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs offered the following amendments which were moved by Senator Steinberg and adopted:

Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. Subsection (5) is added to section 719.104, Florida Statutes, to read:

719.104 Cooperatives; access to units; records; financial report.—

(5) Within 60 days following the end of the fiscal or calendar year or annually on such date as is otherwise provided in the bylaws of the association, the board of administration of the association shall mail or furnish by personal delivery to each unit owner a complete financial report of actual receipts and expenditures for the previous 12 months. The report shall show the amounts of receipts by accounts and receipt classifications and shall show the amounts of expenses by accounts and expense classifications including, if applicable, but not limited to the following:

- (a) Cost for security;
- (b) Professional and management fees and expenses;
- (c) Taxes;
- (d) Cost for recreation facilities;
- (e) Expenses for refuse collection and utility services;
- (f) Expenses for lawn care;
- (g) Cost for building maintenance and repair;
- (h) Insurance costs;
- (i) Administrative and salary expenses;
- (j) General reserves, maintenance reserves, and depreciation reserves.

Section 2. Paragraphs (b) and (c) and subparagraph 3 of paragraph (f) of subsection (1) of section 719.106, Florida Statutes, are amended, paragraphs (j), (k), and (l) are added to subsection (1) of said section, and subsection (3) is added to said section, to read:

719.106 Bylaws; cooperative ownership.—

(1) The bylaws or other cooperative documents include the following provisions:

(b) The owners of a majority of the units constitute a quorum. Decisions shall be made by owners of a majority of the units represented at a meeting at which a quorum is present. In addition, provision shall be made in the bylaws for designation and use of proxy. However, no one person may be designated to hold more than five proxies for any purpose unless the cooperative has been registered with the Securities and Exchange Commission. Any proxy given shall be effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. In no event shall any proxy be valid for a period longer than 90 days after the date of the first meeting for which it was given. Every proxy shall be revocable at any time at the pleasure of the unit owner executing it.

(c) Meetings of the board of administration shall be open to all unit owners, and notice of meetings shall be posted in a conspicuous place upon the cooperative property at least 48 hours in advance, except in an emergency. Notice of any meeting where assessments against unit owners are to be considered for any reason shall specifically contain a statement that assessments will be considered and the nature of any such assessments.

(f)2. The board of administration shall mail a meeting notice and copies of the proposed annual budget of common expenses to the unit owners not less than 30 days prior to the

meeting at which the budget will be considered. If the bylaws or other cooperative documents provide that the budget may be adopted by the board of administration, then the unit owners shall be given written notice of the time and place at which the meeting of the board of administration to consider the budget will be held. The meeting shall be open to the unit owners.

(j) The officers and directors of the association have a fiduciary relationship to the unit owners.

(k) Subject to the provisions of s. 719.301, any member of the board of administration may be recalled and removed from office with or without cause by the vote or agreement in writing by a majority of all unit owners. A special meeting of the unit owners to recall a member or members of the board of administration may be called by 10 percent of the unit owners giving notice of the meeting as required for a meeting of unit owners, and the notice shall state the purpose of the meeting.

(l) The proposed annual budget of common expenses shall be detailed and shall show the amounts budgeted by accounts and expense classifications, including, if applicable, but not limited to those expenses listed in s. 719.504(20). In addition to annual operating expenses, the budget shall include reserve accounts for capital expenditures and deferred maintenance. These accounts shall include, but not be limited to, roof replacement, building painting, and pavement resurfacing. The amount to be reserved shall be computed by means of a formula which is based upon estimated life and estimated replacement cost of each reserve item. This subsection shall not apply to budgets in which the members of an association have by a two-thirds vote at a duly called meeting of the association determined for a fiscal year to provide no reserves or reserves less adequate than required by this subsection.

(m) The association has the power to purchase any land and/or recreation lease upon the approval of two-thirds of the unit owners, unless a different number of percentage is provided in the bylaws or other cooperative documents.

(n) Unless otherwise provided in the cooperative documents as originally recorded, no amendment thereto may change the configuration or size of any cooperative unit in any material fashion, materially alter or modify the appurtenances of the unit, or change the proportion or percentage by which the owner of the parcel shares the common expenses and owns the common surplus, unless the record owner of the unit and all record owners of liens on it join in the execution of the amendment and unless all other units approve the amendment.

Section 3. Section 719.109, Florida Statutes, is created to read:

719.109 Unconscionability of certain leases; rebuttable presumption.—

(1) The Legislature expressly finds that many leases involving use of recreational or other common facilities by residents of cooperatives were entered into by parties wholly representative of the interests of a cooperative developer at a time when the cooperative unit owners not only did not control the administration of their cooperative, but also had little or no voice in such administration. Such leases often contain numerous obligations on the part of either or both a cooperative association and cooperative unit owners with relatively few obligations on the part of the lessor. Such leases may or may not be unconscionable in any given case. Nevertheless, the Legislature finds that a combination of certain onerous obligations and circumstances warrants the establishment of a rebuttable presumption of unconscionability of certain leases, as specified in subsection (2). The presumption may be rebutted by a lessor upon the showing of additional facts and circumstances to justify and validate what otherwise appears to be an unconscionable lease under this section. Failure of a lease to contain all the enumerated elements shall neither preclude a determination of unconscionability of the lease nor raise a presumption as to its conscionability. It is the intent of the Legislature that this section is remedial and does not create any new cause of action to invalidate any cooperative lease, but shall operate as a statutory prescription on procedural matters in actions brought on one or more causes of action existing at the time of the execution of such lease.

(2) A lease pertaining to use by cooperative unit owners of recreational or other common facilities, irrespective of the

date on which such lease was entered into, is presumptively unconscionable if all of the following elements exist:

(a) The lease was executed by persons none of whom at the time of the execution of the lease were elected by cooperative unit owners, other than the developer, to represent their interests.

(b) The lease requires either the cooperative association or the cooperative unit owners to pay real estate taxes on the real property which is the subject of the lease.

(c) The lease requires either the cooperative association or the cooperative unit owners to insure buildings or other facilities on the real property which is the subject of the lease against fire or any other hazard.

(d) The lease requires either the cooperative association or the cooperative unit owners to perform some or all maintenance obligations pertaining to the real property which is the subject of the lease or facilities located upon such real property.

(e) The lease requires either the cooperative association or the cooperative unit owners to pay rent to the lessor for a period of 21 years or more.

(f) The lease provides that failure of the lessee to make payment of rent due under the lease either creates, establishes, or permits establishment of a lien upon individual cooperative units of the cooperative to secure claims for rent.

(g) The lease requires an annual rental which exceeds 25 percent of the appraised value of the leased property as improved. For purposes of this paragraph, "annual rental" means the amount due during the first 12 months of the lease for all units, regardless of whether such units were in fact occupied or sold during that period, and "appraised value" means the appraised value placed upon the leased property the first tax year after the sale of a unit in the cooperative.

(h) The lease provides for a periodic rental increase based upon reference to a price index.

(i) The lease or other cooperative documents require that every transferee of a cooperative unit must assume obligations under the lease.

Section 4. Subsection (6) of section 719.202, Florida Statutes, is renumbered as subsection (7) and a new subsection (6) is added to said section to read:

719.202 Sales or reservation deposits prior to closing.—

(6) If a developer enters into a reservation agreement, the developer shall pay into an escrow account established with a trust company, a bank having trust powers, an attorney who is a member of The Florida Bar, a real estate broker registered under chapter 475, or a title insurance company authorized to insure title to real property in the State of Florida all reservation deposit payments. The escrow agent shall give to the prospective purchaser a receipt for the deposit upon request. The funds in escrow may be deposited in separate accounts or in common escrow or trust accounts handled by or received by the escrow agent, and may be placed in either interest-bearing or noninterest-bearing accounts, provided that the funds shall at all reasonable times be available for withdrawal in full by the escrow agent. Upon written request to the escrow agent by the prospective purchaser or developer, the funds shall be immediately and without qualification refunded in full to prospective purchaser. Upon such refund, any interest shall be paid to the prospective purchaser, unless otherwise provided in the reservation agreement. Upon execution of a purchase agreement for a unit, any funds paid by the purchaser as a deposit to reserve the unit pursuant to a reservation agreement, and any interest thereon, shall cease to be subject to the provisions of this subsection and shall instead be subject to the provisions of subsections (1)-(5) hereof.

(7) Any developer who willfully fails to pay all required funds into the escrow accounts required by this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5. Subsections (2) and (3) of section 719.502, Florida Statutes, are renumbered as subsections (3) and (4), respectively, and a new subsection (2) is added to said section to read:

719.502 Filing prior to sale or lease.—

(2) Prior to filing as required by subsection (1), a developer shall not offer a contract for purchase or lease of a unit for more than 5 years but may accept deposits for reservations upon filing with the Division of Florida Land Sales and Condominiums of the Department of Business Regulation an escrow agreement and reservation agreement form. The division shall notify the developer within twenty days of receipt of the reservation filing of any deficiencies contained therein. Such notification shall not preclude the determination of reservation filing deficiencies at a later date nor shall it relieve the developer of any responsibility under the law. The escrow agreement and the reservation agreement form shall include a statement of the right of the prospective purchaser to an immediate unqualified refund of the reservation deposit moneys upon written request to the escrow agent by the prospective purchaser or the developer. The reservation agreement form shall also include the following:

(a) A statement of the obligation of the developer to file cooperative documents with the division prior to entering into a binding purchase or lease agreement for more than 5 years.

(b) A statement of the right of the prospective purchaser to receive all cooperative documents as required by this chapter.

(c) The name and address of the escrow agent and a statement that the prospective purchaser may obtain a receipt from the agent upon request.

(d) A statement as to whether the developer assures that the purchase price represented in or pursuant to the reservation agreement will be the price in the contract for purchase and sale, or that the price represented may be exceeded within a stated amount or percentage, or that no assurance is given as to the price in the contract for purchase and sale.

Section 6. A new subsection (5) is added to section 719.203, Florida Statutes, and present subsection (5) is renumbered as subsection (6), to read:

719.203 Warranties.—

(5) The warranties provided by this section shall inure to the benefit of each owner and his successor owners, and to the benefit of the developer.

Section 7. Paragraph (c) of subsection (4) of section 719.301, Florida Statutes, is amended to read:

719.301 Transfer of association control.—

(4) Prior to, or not more than 60 days after, the time that unit owners other than the developer elect a majority of the members of the board of administration of an association, the developer shall relinquish control of the association, and the unit owners shall accept control. Simultaneously, the developer shall deliver to the association all property of the unit owners and of the association held or controlled by the developer, including, but not limited to, the following items, if applicable, as to each cooperative operated by the association:

(c) An audit and accounting, which need not be certified, for all association funds, performed by an auditor independent of the developer, including capital accounts, reserve accumulations in accordance with s. 719.504(20)(c)1.k., and contributions. ~~An accounting for all association funds, including capital accounts and contributions.~~

Section 8. A new subsection (2) is added to section 719.302, Florida Statutes and present subsections (2)-(4) are renumbered as subsections (3)-(5), respectively, to read:

719.302 Agreements entered into by the association.—

(2) Any grant or reservation made by a declaration, lease or other document, and any contract made by an association, whether before or after assumption of control of the association by unit owners other than the developer, that provides for operation, maintenance, or management of a cooperative association or property serving the unit owners of a cooperative shall not be in conflict with the powers and duties of the association or the rights of unit owners as provided in this chapter. This subsection is intended only as a clarification of existing law.

Section 9. Subsection (4), paragraph (c) of subsection (6), and subsection (8) of section 719.401, Florida Statutes, are amended to read:

719.401 Leaseholds.—A cooperative may be created on lands held by a developer under lease or may include recreational facilities or other common elements or commonly used facilities on a leasehold, if, on the date the first unit is conveyed by the developer to a bona fide purchaser, the lease has an unexpired term of at least 50 years. If rent under the lease is payable by the association or by the unit owners, the lease shall include the following requirements:

(4)(a) In any action by the lessor to enforce a lien for rent payable or in any action by the association or a unit owner with respect to the obligations of the lessee or the lessor under the lease, the unit owner or the association may raise any issue or interpose any defenses, legal or equitable, that he or it may have with respect to the lessor's obligations under the lease. If the unit owner or the association initiates any action or interposes any defense other than payment of rent under the lease, the unit owner or the association shall, upon service of process upon the lessor, pay into the registry of the court any allegedly accrued rent and the rent which accrues during the pendency of the proceeding, when due. If the unit owner or the association fails to pay the rent into the registry of the court, it shall constitute an absolute waiver of the unit owner's or association's defenses other than payment, and the lessor shall be entitled to default. The unit owner or the association shall notify the lessor of any deposits. When the unit owner or the association has deposited the required funds into the registry of the court, the lessor may apply to the court for disbursement for all or part of the funds shown to be necessary for the payment of taxes, mortgage payments, maintenance and operating expenses, and other necessary expenses incident to maintaining and equipping the leased facilities. The court, after an evidentiary ~~preliminary~~ hearing, may award all or part of the funds on deposit to the lessor for such purpose. The court shall require the lessor to post bond or other security, as a condition to the release of funds from the registry, when the value of the leased land and improvements, apart from the lease itself, is inadequate to fully secure the sum of existing encumbrances on the leased property and the amounts released from the court registry.

(b) When the association or unit owners have deposited funds into the registry of the court, pursuant to this subsection, and the unit owners and association have otherwise complied with their obligations under the lease or agreement, other than paying rent into the registry of the court rather than to the lessor, the lessor cannot hold the association or unit owners in default on their rental payments nor may the lessor file liens or initiate foreclosure proceedings against unit owners. If the lessor in violation of this subsection, attempts such liens or foreclosures, then the lessor may be liable for damages plus attorney's fees and costs that the association or unit owners incurred in satisfying said liens or foreclosures.

(c) Nothing in this subsection enacted to be effective October 1, 1979, shall affect litigation commenced prior to such date.

(6)(a) A lease of recreational or other commonly used facilities entered into by the association prior to the time the control of the association is turned over to unit owners other than the developer shall grant to the lessee an option to purchase the leased property, payable in cash on any anniversary date of the beginning of the lease term after the tenth anniversary, at a price then determined by agreement. If there is no agreement as to the price, then the price shall be determined by arbitration.

(b) If the lessor wishes to sell his interest and has received a bona fide offer to purchase it, the lessor shall send the association and each unit owner a copy of the executed offer. For 90 days following receipt of the offer by the association, the association has the option to purchase the interest on the terms and conditions in the offer. The option shall be exercised, if at all, by notice in writing given to the lessor within the 90-day period. If the association does not exercise the option, the lessor shall have the right, for a period of 60 days after the 90-day period has expired, to complete the transaction described in the offer to purchase. If for any reason such transaction is not concluded within the 60 days, the offer shall have been abandoned, and the provisions of this subsection shall be reimposed.

(c) The option shall be exercised upon approval by owners of ~~75 percent~~ two-thirds of the units served by the leased property.

(d) The provisions of this subsection shall not apply if the lessor is the Government of the United States or the State of Florida or any political subdivision thereof or, in the case of an underlying land lease, a person or entity which is not the developer or directly or indirectly owned or controlled by the developer and did not obtain, directly or indirectly, ownership of the leased property from the developer.

(8) It is declared that the public policy of this state prohibits the inclusion or enforcement of escalation clauses in leases or agreements for recreational facilities, land, or other commonly used facilities serving cooperatives, and such clauses are hereby declared void for public policy. For the purposes of this section, an escalation clause is any clause in a cooperative lease or agreement which provides that the rental under the lease or agreement shall increase at the same percentage rate as any nationally recognized and conveniently available commodity or consumer price index.

Section 10. Subsection (2) of section 719.402, Florida Statutes is amended to read:

719.402 Conversion of existing improvements to cooperative.—

(2)(a) If existing improvements are converted to ownership as a residential cooperative, each residential tenant of the existing improvement shall have the right to extend an expiring lease or tenancy upon the same terms for a period that will expire no later than ~~180~~ 120 days after written notice to the tenant of the intended conversion. A tenant must give written notice to the developer of his intention to extend his lease or tenancy within 30 days after he receives notice of the intended conversion.

(b) Any discount to an existing tenant on the purchase price of a cooperative parcel in a conversion of existing improvements shall be offered for a period of not less than 60 days from the date of first offering to such tenant.

Section 11. Subsection (1) and paragraph (a) of subsection (3) of section 719.501, Florida Statutes, 1978 Supplement, are amended to read:

719.501 Regulation by Division of Florida Land Sales and Condominiums.—

(1) The Division of Florida Land Sales and Condominiums of the Department of Business Regulation, referred to as the division in this part, in addition to other powers and duties prescribed by chapter 478, has the power to enforce and insure compliance with the provisions of this chapter and rules promulgated pursuant thereto relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units. In performing its duties, the division shall have the following powers and duties:

(a) The division shall receive, and may investigate pursuant to the authority specified in s. 478.151, complaints relating to the violation of the provisions of this chapter or rules promulgated pursuant thereto, including disputes arising from the internal affairs and management of cooperative associations, and may conduct informal hearings for the purpose of seeking amicable settlement of disputes and voluntary compliance with the provisions of law.

(b) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rules promulgated pursuant thereto has occurred, the division may institute enforcement proceedings in its own name against any developer or association, or their assignees or agents, to secure compliance with this chapter as follows:

1. The division may issue cease and desist orders pursuant to s. 478.171.

2. The division may bring an action in Circuit Court for declaratory relief, injunctive relief, or restitution on behalf of a class of unit owners or lessees.

3. The division may impose civil penalties against any developer or association, or their assignees or agents for violations of this chapter of rules promulgated pursuant thereto. A

penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed \$5,000. All amounts collected shall be deposited with the State Treasurer to the credit of the Florida Land Sales and Condominiums Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid and may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction. In order to permit the developer or association an opportunity either to appeal such decision administratively or to seek relief in a court of competent jurisdiction, the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or where the violation occurred.

(c) The division is authorized to prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential cooperatives in assessing the rights, privileges, and duties pertaining thereto.

(d) The division is authorized to promulgate rules and regulations, pursuant to chapter 120, necessary to implement, enforce, and interpret this chapter.

(e) The division shall furnish each association which pays the fees required by subsection (3)(a) a copy of this part and all amendments prior to the date they become effective.

(3)(a) Each cooperative association shall pay to the division, on or before January 1 of each year, an annual fee in the amount of \$1 50 cents for each residential unit in cooperatives operated by the association. If the fee is not paid by June 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association shall not have the standing to maintain or defend any action in the courts of Florida until the amount due is paid.

Section 12. Paragraph (n) of subsection (2) of section 719.503, Florida Statutes, is amended to read:

(2) COPIES OF DOCUMENTS TO BE FURNISHED TO PROSPECTIVE BUYER OR LESSEE.—Until such time as the developer has furnished the documents listed below to a person who has entered into a contract to purchase a unit or lease it for more than 5 years, the contract may be voided by such person, entitling such person to a refund or any deposit together with interest thereon as provided in s. 719.202. The contract may be terminated by written notice from the proposed buyer or lessee delivered to the developer within 15 days after the buyer or lessee receives all of the documents required by this section. The documents to be delivered to the prospective buyer are the prospectus or disclosure statement with all exhibits, if the development is subject to the provisions of s. 719.504, or, if not, then copies of the following which are applicable:

(n) A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.

Section 13. Paragraph (g) of subsection (23) of section 719.504, Florida Statutes, is amended to read:

719.504 Prospectus or offering circular.—Every developer of a residential cooperative which contains more than twenty residential units, or which is part of a group of residential cooperatives which will be served by property to be used in common by unit owners of more than twenty residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Land Sales and Condominiums prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years, and furnish a copy of the prospectus or offering circular to each buyer. The prospectus or offering circular may include more than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(23) Copies of the following, to the extent they are applicable, shall be included as exhibits:

(g) A copy of the floor plan of the unit and the plot plan and survey showing the location of the residential buildings and the recreation and other common areas.

Section 14. This act shall take effect October 1, 1979.

Amendment 2—On page 1, strike the title and insert: An act relating to cooperatives; adding subsection (5) to s. 719.104, Florida Statutes, requiring the board of administration of a cooperative association to make an annual report to unit owners detailing actual expenditures; amending s. 719.106(1) (b), (c) and (f) 2, Florida Statutes, and adding paragraphs (1) (j), (d), (1), and (m) and subsection (3) thereto, restricting the valid term of proxies by members of cooperative associations; providing for the revocation of proxies; providing that notice of certain meetings of the board of administration of a cooperative association shall include described information concerning proposed assessments against unit owners; providing for notice to unit owners of a meeting to consider the annual budget; providing that the officers and directors of the association have a fiduciary relationship to the unit owners; providing for the recall of members of the board of administration; providing that the proposed annual budget shall include certain information; providing that the budget shall include reserve accounts for capital expenditures and deferred maintenance; providing a basis for the computation of required reserves; providing the required vote and authority for a cooperative association to exercise certain of its purchasing powers; requiring all cooperative unit owners to approve certain changes unless otherwise provided in the original cooperative documents; creating s. 719.109, Florida Statutes, providing a list of elements, pertaining to use by cooperative unit owners of recreational or other common facilities, which renders a lease presumptively unconscionable; providing legislative findings regarding such leases; adding a new subsection (6) to s. 719.202, Florida Statutes, providing for conditions of escrow accounts for reservation deposits by the developer; providing a penalty; adding a new subsection (2) to s. 719.502, Florida Statutes, providing requirements for filing with the Division of Florida Land Sales and Condominiums of the Department of Business Regulation prior to offering a contract or accepting reservation deposits for a unit and requiring certain disclosure in a reservation agreement; adding a new subsection (5) to s. 719.203, Florida Statutes, providing that certain implied warranties inure to the benefit of the unit owner, his successor owners, and the developer; amending s. 719.301 (4) (c), Florida Statutes, requiring the developer to provide the board of administration of a cooperative association, not more than 60 days after transfer of control from the developer, with an independent certified audit which includes certain information; adding a new subsection (2) to s. 719.302, Florida Statutes, providing clarification of existing law with regard to certain provisions relating to the powers and duties of the association or the rights of unit owners; amending s. 719.401 (4), (6)(c), and (8), Florida Statutes, prescribing procedures for cooperative associations or unit owners depositing rents in the court registry when they initiate certain actions or interpose certain defenses; prohibiting lessors from holding associations or unit owners in default and from initiating foreclosure and other procedures under certain circumstances; providing an exception with regard to pending litigation; providing a two-thirds vote for certain transactions; prohibiting certain escalation clauses in certain agreements; amending subsection (2) of section 719.402, Florida Statutes, extending from 120 to 180 days the period of minimum notice to existing tenants of conversion of existing improvements to cooperative; providing that any discount to an existing tenant on the purchase price of a cooperative parcel in a conversion of existing improvements shall be for a period of not less than 60 days from the date of first offering to such tenant; amending s. 719.501(1) and (3)(c), Florida Statutes, providing that the Division of Florida Land Sales and Condominiums may impose civil penalties against any developer or association or their assignees or agents for violations of the Cooperative Act or rules relating thereto; providing a maximum penalty; providing a cease and desist order for nonpayment; providing a delay in the effectiveness of an order; providing that any action commenced by the Division shall be brought in the judicial circuit in which the Division has its executive offices or where the violation has occurred; lowering the annual cooperative association fee to the Division; amending ss. 719.503(2)(n) and 719.504(23)(g), Florida Statutes, providing uniform disclosure of plot plans and floor plans to purchasers in a cooperative; providing an effective date.

On motion by Senator Steinberg, by two-thirds vote HB 702 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Anderson	Gorman	Neal	Thomas
Barron	Grizzle	Peterson	Tobiasen
Carlucci	Hair	Poole	Trask
Chamberlin	Hill	Scarborough	Vogt
Childers, D.	Holloway	Scott	Ware
Childers, W. D.	Jenne	Skinner	Williamson
Dunn	Johnston	Spicola	Winn
Fechtcl	McClain	Steinberg	
Frank	McKnight	Stuart	

Nays—None

On motion by Senator W. D. Childers, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote SB 778 was withdrawn from the Committee on Commerce.

SPECIAL ORDER, continued

On motion by Senator Vogt, the Senate reconsidered the vote by which—

SB 586—A bill to be entitled An act relating to county depositories; amending ss. 136.02(1), (2) and (3), 136.07, and 136.08, Florida Statutes, providing that the clerk of the circuit court of the county replace the Department of Banking and Finance as the agency responsible for maintaining records of collateral provided by county depositories; providing for quarterly publication of names of banks and amounts deposited; providing an effective date.

—passed as amended.

On motion by Senator Vogt, the Senate reconsidered the vote by which SB 586 was read the third time.

On motion by Senator Vogt, the Senate reconsidered the vote by which Amendment 2 was adopted.

Amendment 2 was withdrawn.

Senator Vogt moved the following substitute amendment for Amendment 1 which was adopted:

Amendment 4—On page 1, line 12, strike everything after the enacting clause and insert: Section 1. Subsections (1), (2) and (3) of section 136.02, Florida Statutes, are amended to read:

136.02 Method of qualifying as depository; securities to be deposited.—

(1) Any bank as described in s. 136.01 desiring to become a county depository as herein provided shall make satisfactory deposit with or to the credit of the clerk of the circuit court of such county ~~Department of Banking and Finance~~ of securities of the kind and amount as herein authorized, ~~approved by the department and in an amount to be determined by the department~~, conditioned that said bank insure the safekeeping, proper accounting for, and payment over to the proper authority of all money that may come into its possession by virtue of its acting as said depository, and further conditioned that it will in all respect duly and faithfully perform the duties imposed upon it by reason of acting as such depository. When a bank or banks in the county offer satisfactory inducement as to security as herein provided, the clerk of the circuit court of such county ~~department~~ shall issue a certificate showing that said bank has qualified as a county depository, and the securities deposited by such bank as herein provided shall secure all funds, jointly and severally, that shall be deposited in such banks by the boards or officials of such county ~~school boards of the several counties~~. When a bank or banks in the county qualify as a county depository as herein provided, such bank or banks shall be eligible to receive deposits of the funds of the boards or officials of such county ~~school board~~. If at any time a bank ceases to be qualified as a county depository, the clerk of the circuit court of such county ~~department~~ shall

revoke the certificate of qualification of such bank and shall advise the *applicable board or county official school board* of such revocation, and until again qualified hereunder such bank shall not be eligible to receive or retain deposits of any of the funds herein mentioned.

(2) On the first day of each month each county official and board maintaining funds on deposit in any such bank shall make and file with the clerk of the circuit court of such county a written report setting forth the balance of each fund on deposit in each bank in which such funds are deposited as of the close of business of the preceding month, and setting forth the estimate of such officer or board of the highest balance expected to be on deposit in each such bank during the ensuing month. ~~Not later than the 5th of each month the clerk of the circuit court shall consolidate the reports of all of said officers and boards as to each such bank and shall file such consolidated report with the department.~~

(3) If at any time after a bank has qualified as a county depository as herein provided, the security furnished by it becomes insufficient or inadequate, the *clerk of the circuit court of such county department* shall have authority, on such terms, conditions, and penalties as ~~he~~ it may prescribe, to require other securities of the kind herein authorized in such additional amounts to be provided as it may deem necessary. If, at any time after a bank has qualified as a county depository as herein provided, the security furnished by it becomes, by reason of decreases in balances or deposits, more than sufficient to meet the requirements, the *clerk of the circuit court of such county department* shall have the authority to authorize the security to be decreased to not less than the amount necessary to provide adequate safeguards for the funds deposited.

Section 2. Section 136.07, Florida Statutes, is amended to read:

136.07 Depositories to make reports; board to publish monthly statements.—Any bank acting as depository shall, at the end of each and every month, file with each board and officer for which it is a depository, ~~and with the Department of Banking and Finance~~, a report, as to each account on deposit with it, showing the balances on hand at the beginning of the month, all sums received and paid out during the month, and balances on hand at the end of the month, and shall return with said report all checks or warrant or warrants properly canceled which the said bank has paid during the month; each board shall make and publish a statement *quarterly regarding the names of banks and amounts deposited in such banks monthly and at such other time as now required, or at such other times as may be required by the department or the board of county commissioners and other such reports and statements regarding the conditions of each and every fund, as now or as may be hereafter required by law.*

Section 3. Section 136.08, Florida Statutes, is amended to read:

136.08 Accounts subject to examination by authorized persons.—The accounts of each and every board and the county accounts of each and every bank acting as depository, mentioned or provided for in this chapter, shall at all times be subject to the inspection and examination *by* of the county auditor, *and by the Auditor General and the Department of Banking and Finance or persons designated by it.*

Section 4. This act shall take effect July 1, 1979.

On motion by Senator Vogt, by two-thirds vote SB 586 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Thomas
Carlucci	Hair	Neal	Tobiasen
Chamberlin	Henderson	Peterson	Trask
Childers, W. D.	Hill	Scarborough	Vogt
Dunn	Holloway	Scott	Williamson
Fechtcl	Jenne	Skinner	Winn
Frank	Johnston	Spicola	

Nays—None

The Senate resumed consideration of—

HB 1555—A bill to be entitled An act relating to economic development; amending s. 288.075, Florida Statutes, relating to confidentiality of records, to define "economic development agency" for purposes of provisions providing that economic plans, intentions, or interests of certain corporations held by economic development agencies be confidential; extending the time period in which such confidentiality shall apply to any particular plan held by such agencies; providing an effective date.

Senator Ware moved the following amendment which was adopted:

Amendment 1—On page 1, strike the period on line 22 and insert: or by special law.

On motion by Senator Dunn, by two-thirds vote HB 1555 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Anderson	Grizzle	Neal	Thomas
Barron	Hair	Peterson	Tobiasen
Carlucci	Henderson	Poole	Trask
Chamberlin	Hill	Scarborough	Vogt
Childers, W. D.	Holloway	Scott	Ware
Dunn	Jenne	Skinner	Williamson
Fechtcl	Maxwell	Spicola	Winn
Frank	McClain	Steinberg	
Gorman	McKnight	Stuart	

Nays—None

On motions by Senator Dunn, the rules were waived and by two-thirds vote House Bills 1803, 1805, 1806, 1807, 1813 and 1815 were placed on the special order calendar following consideration of the local bill calendar and the consent calendar.

On motion by Senator Dunn, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended—

HB 1822

HB 1830

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulatory Reform—

HB 1822—A bill to be entitled An act relating to dentistry, dental hygiene and dental laboratories; creating part I of chapter 466, Florida Statutes, providing intent and definitions; providing applicability of the chapter; providing for a Board of Dentistry and providing the membership and terms of the board; providing eligibility requirements for examination for licensure for dentists and dental hygienists; providing for re-examination; authorizing issuance of licenses by endorsement; requiring licenses to be displayed; providing for license renewals; providing for inactive status; reenacting existing provisions relating to advertising by dentists; providing criminal penalties for specified unlawful acts with respect to the practice and licensing of dentistry and dental hygiene; providing for prosecutions; providing disciplinary actions and penalties and specifying grounds therefor; prohibiting sexual misconduct; providing primary responsibility of the dentist of record; restricting the employment by dentists of unlicensed persons and providing a penalty; entitling dentists to prescribe and use certain drugs and anesthesia and to use and permit dental auxiliaries to use x-ray equipment; providing for permits for dental interns and restricting their practice; providing for permits for certain nonprofit corporations; prescribing the scope and area of practice for dental hygienists; exempting dental hygienists from certain provisions relating to radiology; restrict-

ing the delegation of duties by dentists; requiring the board to determine the authorized duties of registered dental practitioners under the supervision of dentists; authorizing the board to enter into reciprocity agreements; creating part II of chapter 466, Florida Statutes, providing definition of dental laboratory; providing for registration of dental laboratories; providing for change of address; providing for the issuance of a registration certificate; prohibiting certain advertising; providing for periodic inspection; providing for suspension and revocation of certificates; specifying violations; providing for the effect of the act on existing licenses and proceedings; providing for effect on certain rules; providing for repeal and legislative review; repealing chapter 466, Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By the Committee on Regulatory Reform—

HB 1830—A bill to be entitled An act relating to funeral directing and embalming; creating chapter 470, Florida Statutes, providing intent and definitions; providing for a Board of Funeral Directors and Embalmers and providing for the membership and terms of board members and for the location of the board; providing for rules; providing for the licensure of embalmers and funeral directors and for the registration of embalmer interns and direct disposers; providing qualifications therefor; permitting persons to be licensed as both embalmers and funeral directors; providing for the renewal of licenses and registrations; providing for inactive status of license; providing disciplinary actions against embalmers, funeral directors and direct disposers and specifying grounds therefor; prohibiting the unauthorized practice of direct disposition and providing a penalty therefor; providing for the licensure of funeral establishments and cinerator facilities; prohibiting and providing penalties for specified acts; requiring certain disclosures; authorizing reciprocity agreements; providing for criminal prosecutions; providing for monthly reports; providing an exemption; regulating solicitation and preneed sales; providing for registration of agents; repealing certain rules; providing for repeal and legislative review; repealing the existing chapter 470, Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended—

HB 1825 HB 1824 HB 1832

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulatory Reform—

HB 1825—A bill to be entitled An act relating to opticians; creating chapter 484, Florida Statutes; providing legislative findings and definitions; providing exceptions; creating a Board of Opticianry and Contact Lens Fitting and providing for membership, appointment, and terms; providing for licensure of persons desiring to practice opticianry; providing eligibility requirements for examination for such licensure; providing for licensure by endorsement; providing for license renewal; providing for inactive status; providing for referral of certain customers to a physician or optometrist; specifying grounds for disciplinary action with respect to the practices of opticianry; providing penalties; providing authority to inspect certain establishments; providing rulemaking authority and prohibiting certain rules; providing violations and penalties; providing requirements regarding filing and duplicating of prescriptions; providing for supportive personnel; providing for reports of violations to prosecuting authorities; providing for reciprocity agreements; providing for effect of chapter on certain rules; providing for effect of chapter on certain licensed persons and certain proceedings; providing for repeal and legislative review; repealing chapter 484, Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By the Committee on Regulatory Reform—

HB 1824—A bill to be entitled An act relating to optometrists; creating chapter 463, Florida Statutes, providing intent and definitions; providing applicability of the chapter; providing for a Board of Optometry and providing the membership and terms of the board; providing eligibility requirements for examination; providing requirements with respect to licenses; providing procedures for the renewal of licenses; providing for inactive status and license cancellation; providing disciplinary actions and penalties and specifying grounds therefor; providing criminal penalties for specified unlawful acts with respect to the practice and licensing of optometry; providing for optometric services to public agencies; providing for keeping of prescriptions; providing for making copies available upon request; providing for supportive personnel; providing for prosecution of criminal violations; providing for reciprocity; providing for effect on certain rules; providing for repeal and legislative review; repealing chapter 463, Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By the Committee on Regulatory Reform—

HB 1832—A bill to be entitled An act relating to chiropractic; creating chapter 460, Florida Statutes, substantially revising provisions relating to chiropractic physicians; providing intent and definitions; providing exceptions to the chapter; creating a Board of Chiropractic and providing for its membership and terms; providing for applications for examination and licensure of chiropractic physicians; providing qualifications for examination; providing for license renewal; providing for the placement of licenses on inactive status and for the reactivation thereof; authorizing the board to take specified disciplinary actions against licensees and applicants; providing grounds therefor; prohibiting sexual misconduct in the practice of chiropractic; authorizing the board to adopt rules; specifying certain unlawful acts with respect to chiropractic physicians and the practice of chiropractic and providing penalties therefor; providing for the effect of the act upon presently licensed chiropractic physicians and upon existing proceedings; providing for repeal and legislative review of the act; repealing the existing chapter 460, Florida Statutes, relating to chiropractic; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

On motion by Senator Dunn, by two-thirds vote HB 1823 was withdrawn from the Committee on Commerce.

On motion by Senator Dunn, the rules were waived and the Committee on Governmental Operations was granted permission to meet from 12:15 p.m. to 1:30 p.m. in Room A this day for the purpose of considering House Bills 1814, 1822, 1832, 1824, 1825, 1830 and 1823.

SPECIAL ORDER, resumed

Consideration of HB 1620 was deferred.

HB 1662—A bill to be entitled An act relating to motor vehicle title certificates: adding subsection (9) to s. 319.23, Florida Statutes, 1978 Supplement, providing for establishment of a separate title office for expedited service; providing a fee; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendments which were moved by Senator Williamson and adopted:

Amendment 1—On page 1, line 21, after the "period" insert: *Applications for such expedited service may be made by mail or in person. The department shall issue all titles applied for pursuant to this subsection within 72 hours of receipt of the application.*

(10) *The department shall use security procedures, processes, and materials in the preparation and issuance of the certificate of title to prohibit to the extent possible a person's*

ability to alter, counterfeit, duplicate or modify the certificate of title.

Section 2. Subsection (1) of s. 319.32, Florida Statutes, is amended to read:

319.32 Fees.—

(1) The Department of Highway Safety and Motor Vehicles shall charge a fee of \$2 for each memorandum certificate, except as provided in s. 319.20; \$2 for each duplicate copy of a certificate of title; \$2 for each assignment by a lienholder and a fee of \$2 for each original certificate of title. It shall also charge a fee of \$2 for noting a lien on a certificate, which fee shall include the services for the subsequent issuance of a corrected certificate or cancellation of lien when that particular lien is satisfied. In addition to all other fees charged, a sum of \$1 shall be paid for the issuance of an original or duplicate certificate of title to cover the cost of the materials used for security purposes. It shall charge a fee of 50 cents for noting the cancellation of any lien filed prior to August 1, 1940.

Section 3. This act shall take effect October 1, 1979.

Amendment 2—On page 1, strike lines 2-6 and insert: An act relating to the Department of Highway Safety and Motor Vehicles; adding s. 319.23(9) and (10), Florida Statutes, 1978 Supplement; requiring the department to establish a separate title office to expedite certain services; providing for a fee for such services; providing for service by mail; requiring the department to use security procedures and materials; amending s. 319.32(1), Florida Statutes; providing for a fee;

On motion by Senator Williamson, by two-thirds vote HB 1662 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Anderson	Gorman	McKnight	Tobiasen
Barron	Grizzle	Myers	Trask
Chamberlin	Hair	Peterson	Vogt
Childers, D.	Henderson	Scarborough	Williamson
Childers, W. D.	Jenne	Skinner	Winn
Dunn	Johnston	Spicola	
Fechtel	Maxwell	Steinberg	
Frank	McClain	Thomas	

Nays—None

SB 867 was taken up and on motions by Senator Hair, by two-thirds vote HB 1728 was withdrawn from the Committee on Governmental Operations, Ways and Means Subcommittee D and the Committee on Ways and Means.

On motion by Senator Hair—

HB 1728—A bill to be entitled An act relating to public debt; amending s. 315.05(1) and (4), Florida Statutes, deleting the interest ceiling on port facilities bonds; amending s. 215.685, Florida Statutes, deleting the interest ceiling on state, county, municipal, etc., bonds; providing an effective date.

—a companion measure, was substituted for SB 867 and read the second time by title.

Senator Hair moved the following amendments which were adopted:

Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. Subsections (1) and (4) of section 315.05, Florida Statutes, are amended to read:

315.05 Port facilities bonds.—

(1) The governing body is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of bonds of a unit for the purpose of paying all or a part of the cost of any one or more port facilities. The bonds of each issue or series shall be dated, shall bear interest at such rate or rates not exceeding 7-1/2 percent per annum, and shall mature at such time or times not exceeding 40 years from their date or dates, as may be determined by the governing body, and may

be made redeemable before maturity, at the option of the unit, at such price or prices and under such terms and conditions as may be fixed by the governing body prior to the issuance of the bonds.

(4) The governing body may sell such bonds in such manner, either at public or private sale and for such price, as it may determine to be for the best interests of the unit; but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than 6 percent per annum computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on redemption of any bonds prior to maturity. Prior to the delivery of definitive bonds, the unit may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery.

Section 2. This act shall take effect upon becoming a law.

Amendment 2—On page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to the Port Facilities Financing Law; amending s. 315.05(1), (4), Florida Statutes; deleting the interest ceiling on port facilities bonds; providing an effective date.

On motion by Senator Hair, by two-thirds vote HB 1728 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Anderson	Gorman	McClain	Thomas
Chamberlin	Grizzle	McKnight	Tobiasen
Childers, D.	Hair	Myers	Trask
Childers, W. D.	Henderson	Peterson	Vogt
Dunn	Jenne	Skinner	Ware
Fechtel	Johnston	Spicola	Williamson
Frank	Maxwell	Steinberg	Winn

Nays—1

Scarborough

Vote after roll call:

Yea—Hill

SB 867 was laid on the table.

Consideration of SB 203 was deferred.

By the Committee on Health and Rehabilitative Services and Senator Johnston—

CS for SB 1216—A bill to be entitled An act relating to nursing homes and related health care facilities; amending s. 400.022(1)(d), Florida Statutes; allowing a patient to delegate the responsibility of managing his financial affairs to the facility to the extent of his funds held in trust by the facility; requiring a quarterly accounting of financial transactions made on behalf of patients; amending s. 400.062(3), Florida Statutes; revising license fees and providing for a patient protection fee; creating s. 400.063, Florida Statutes; creating the Patient Protection Trust Fund; providing for the expenditure of funds in the Patient Protection Trust Fund for certain nursing home patients under certain circumstances; providing rule-making authority; adding subsection (6) to s. 400.071, Florida Statutes; requiring all nursing homes, as a condition for initial licensure, to accept recipients of Title XIX of the Social Security Act under certain circumstances; amending s. 400.111(1), Florida Statutes; providing for issuance of conditional licenses; amending s. 400.121, Florida Statutes, 1978 Supplement; authorizing the Department of Health and Rehabilitative Services to issue an order immediately suspending or revoking the license of a nursing home under certain circumstances; authorizing the department to impose an immediate moratorium on admissions to nursing homes under certain circumstances; amending s. 400.162(5), and adding subsection (6), Florida Statutes, requiring minimum bonding of \$5,000 for persons handling patient trust funds or requiring the facility to enter into a self-insurance agreement to pool its liability; amending s. 400.23(4), Florida Statutes, 1978 Supplement, and adding a new subsection there-

to, increasing certain fines; providing for imposition of find notwithstanding the connection of the deficiency in certain cases; removing the prohibition against imposing a civil penalty in certain instances of repeated deficiencies; providing for deposit of penalties; providing for conditional repeal; providing an effective date.

—was read the first time by title and SB 1216 was laid on the table.

On motions by Senator Hair, by two-thirds vote CS for SB 1216 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Anderson	Grizzle	Myers	Thomas
Chamberlin	Henderson	Peterson	Tobiasen
Childers, D.	Hill	Poole	Trask
Childers, W. D.	Jenne	Scarborough	Vogt
Dunn	Johnston	Scott	Ware
Fechtcl	Maxwell	Skinner	Williamson
Frank	McClain	Spicola	Winn
Gorman	McKnight	Steinberg	

Nays—None

Vote after roll call:

Yea—Hair

On motion by Senator Neal, by two-thirds vote SB 408 was placed at the end of the special order calendar.

On motion by Senator Trask, by unanimous consent—

HB 1745—A bill to be entitled An act relating to the Florida Pesticide Law; amending s. 487.021(41), Florida Statutes, and adding new subsections (15) and (45) thereto; defining the terms "experimental use permit," "restricted use pesticide" and "special local need registration"; amending s. 487.031(6), (7), (8) and (9), Florida Statutes, 1978 Supplement, providing for purchase authorization cards and records of sales; providing for use of restricted use pesticides under supervision; prohibiting the use and disposal of any pesticide other than by label instructions with certain exceptions; providing for use of persistent pesticides according to label instructions; requiring certain reports of use; amending s. 487.041(3) and (4), Florida Statutes, 1978 Supplement, requiring efficacy data with respect to certain pesticides and providing for data review; providing continued registration and sale of pesticide if not prohibited by the Department of Agriculture and Consumer Services or the United States Environmental Protection Agency; amending s. 487.042, Florida Statutes, 1978 Supplement, providing for purchase authorization cards and for direct supervision of non-licensed persons in the application of restricted use pesticides; amending s. 487.071(2), Florida Statutes, providing enforcement authority for pesticides used within state; amending s. 487.081(4), Florida Statutes, exempting persons governed by chapter 388, Florida Statutes, (mosquito control) from the provisions of the Florida Pesticide Law; amending s. 487.101(1), Florida Statutes, relating to stop sales with respect to pesticides used in violation of the law; amending s. 487.152, Florida Statutes, providing for licensing of persons using certain pesticides by the Department of Agriculture and Consumer Services; amending s. 487.153(3), (4), (5), (23), (24), (25) and (27), Florida Statutes, providing that certified applicators of certain pesticides must be licensed; providing supervision of non-licensed employees; amending s. 487.155(4), Florida Statutes, eliminating present provisions relating to restricted pesticide permits for private applicators; amending s. 487.156, Florida Statutes, requiring examinations for public applicators; amending s. 487.157, Florida Statutes, providing for evidence of continued competency as determined by rule; amending s. 487.158(2), Florida Statutes, 1978 Supplement, providing for recommendation of pesticide use; amending s. 487.161(3), Florida Statutes, exempting certain persons performing applied research; providing an effective date.

—was taken up and read the second time by title. On motion by Senator Trask, by two-thirds vote HB 1745 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Anderson	Grizzle	Neal	Thomas
Barron	Hair	Peterson	Tobiasen
Chamberlin	Hill	Poole	Trask
Childers, D.	Holloway	Scarborough	Vogt
Childers, W. D.	Jenne	Scott	Williamson
Fechtcl	Johnston	Skinner	Winn
Frank	McClain	Spicola	
Gorman	McKnight	Steinberg	

Nays—None

On motion by Senator McClain, by unanimous consent—

HB 1063—A bill to be entitled An act relating to unfair insurance trade practices; amending s. 626.9541, Florida Statutes, 1978 Supplement, and s. 626.9551(2), Florida Statutes, deleting the requirement that certain unfair methods of competition and unfair or deceptive acts or practices in the insurance trade must be committed or performed without just cause and with such frequency as to indicate a general business practice from definitional terms and from certain penalty provisions; providing an effective date.

—was taken up and read the second time by title. On motion by Senator McClain, by two-thirds vote HB 1063 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Anderson	Gorman	Neal	Tobiasen
Barron	Grizzle	Peterson	Trask
Carlucci	Hair	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Holloway	Scott	Williamson
Childers, W. D.	Jenne	Skinner	Winn
Dunn	Johnston	Spicola	
Fechtcl	McClain	Steinberg	
Frank	McKnight	Thomas	

Nays—None

On motion by Senator Anderson, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Anderson, the rules were waived and by two-thirds vote HB 778 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Scott, the rules were waived and by two-thirds vote HB 229 was withdrawn from the Committee on Commerce.

SPECIAL ORDER, continued

Consideration of SB 408 was deferred.

On motion by Senator Barron, by unanimous consent—

SB 382—A bill to be entitled An act relating to community education; amending s. 228.071, Florida Statutes, the Florida Community School Act of 1970; changing the name of the act, its definitions, purpose, and all other segments of the act to provide for community education; providing for grants and technical assistance; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 382 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Anderson	Grizzle	Neal	Thomas
Carlucci	Hair	Peterson	Tobiasen
Chamberlin	Henderson	Poole	Trask
Childers, D.	Hill	Scarborough	Vogt
Childers, W. D.	Holloway	Scott	Ware
Fechtcl	Jenne	Skinner	Williamson
Frank	McClain	Spicola	Winn
Gorman	McKnight	Steinberg	

Nays—None

On motion by Senator Dunn, the rules were waived and the Committee on Governmental Operations was granted permission to meet upon adjournment in Room A, Senate Office Building.

On motion by Senator Barron, the Senate recessed at 11:46 a.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—40:

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtel	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

REPORT OF COMMITTEE

The Committee on Rules and Calendar submits the following bills to be placed on a Supplemental Special Order Calendar for Thursday, May 31, 1979:

CS for SB 705	HB 1813	SB 1123
HB 1803	HB 1815	HB 1654
HB 1805	SB 1249	SB 934
HB 1806	HB 1297	CS for SB 782
HB 1807	CS for SB 268	HB 229

CS for HB 141 to be considered at 3:00 p.m.

Respectfully submitted,
Dempsey J. Barron, Chairman

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 1426 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Insurance and Representative Tygart—

CS for HB 1426—A bill to be entitled An act relating to insurance; amending s. 631.52, Florida Statutes, excluding self-insurers from coverage of the Florida Insurance Guaranty Association Act; amending s. 631.61(1), Florida Statutes, providing that persons claiming under policies of insolvent insurers be required to first exhaust their rights under certain other policies; amending s. 631.67, Florida Statutes, altering the length of mandatory stays of certain proceedings; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 468 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Retirement, Personnel and Collective Bargaining and Representative L. J. Smith—

CS for HB 468—A bill to be entitled An act relating to collective bargaining for public employees; adding subsection (5) to s. 447.503, Florida Statutes, relating to charges of unfair labor practices; providing an expedited procedure by the Public Employees Relations Commission; specifying penalties for cases involving refusal to bargain collectively or failing to bargain in good faith; providing for judicial enforcement of commission cease and desist orders; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee E and the Committee on Ways and Means.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed HB 387 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Easley—

HB 387—A bill to be entitled An act relating to motor vehicle noise abatement; amending s. 316.293(3), Florida Statutes, 1978 Supplement, authorizing any law enforcement officer to arrest a driver of a motor vehicle who is in violation of the motor vehicle noise abatement law under certain circumstances; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1254 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Gallagher—

HB 1254—A bill to be entitled An act relating to liquefied petroleum gas; adding new subsections (2) and (3) to s. 527.02, Florida Statutes, requiring certain dealers in liquefied petroleum gas, installation, and gas appliances, and equipment to pass an examination to qualify for licensure by the Department of Insurance; exempting current licensees; adding new subsections (4), (5) and (6) to s. 527.06, Florida Statutes, 1978 Supplement, providing department jurisdiction of bulk plant locations with certain container or aggregate capacity; requiring the department to publish certain safety information and to adopt rules for safe storage and transportation of liquefied petroleum gas and certain equipment; providing for conditional repeal; providing that the act shall not be deemed to limit the authority of local government to require local licensure or examination of dealers; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 800 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Morgan and others—

HCR 800—A concurrent resolution commending the Florida A & M University football team and coaches.

—was read the first time by title and referred to the Committee on Rules and Calendar.

On motion by Senator McClain, the House was requested to return HB 1063.

On motion by Senator Gordon, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Gordon, the rules were waived and by two-thirds vote HB 1390 was withdrawn from the Committee on Ways and Means.

On motions by Senator Gordon, the rules were waived and by two-thirds vote HB 1298 was withdrawn from Ways and Means Subcommittee E and the Committee on Ways and Means.

On motion by Senator Gordon, the rules were waived and by two-thirds vote SB 158 was withdrawn from the Committee on Ways and Means.

On motion by Senator Poole, the Senate reconsidered the vote by which—

CS for SB 383—A bill to be entitled An act relating to driving while under the influence of alcoholic beverages, model glue, or any controlled substance; amending s. 316.193(5), Florida Statutes; providing that anyone convicted of violating s. 316.193(1) or (3), Florida Statutes, may be required to attend an alcohol education course, may be referred for alcoholism evaluation and treatment, and shall assume the cost of such evaluation and treatment; providing an effective date.

—as amended passed this day.

On motions by Senator Poole, the Senate reconsidered the vote by which the Senate concurred in the House amendment as amended by the Senate amendment and reconsidered the vote by which the Senate amendment was adopted. By permission the amendment was withdrawn. On motion by Senator Poole the Senate concurred in the House amendment.

CS for SB 383 as amended passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiasen
Childers, D.	Hill	Poole	Trask
Childers, W. D.	Jenne	Scarborough	Vogt
Dunn	Johnston	Scott	Ware
Fechtcl	MacKay	Skinner	Williamson
Frank	Maxwell	Spicola	Winn

Nays—None

Votes after roll call:

Yea—Chamberlin, Peterson

The bill was ordered engrossed and then enrolled.

On motion by Senator Scott, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Scott (by request)—

SB 1103—A bill to be entitled An act relating to vocational rehabilitation; amending s. 413.051, Florida Statutes; providing definitions; providing that blind licensees shall be given first opportunity to participate in the operation of vending stands on state property; providing duties of the Division of Blind Services of the Department of Education relating to establishing vending stands; providing certain notice requirements; providing that income from vending machines accrue to the blind licensee or if none to the division; providing exceptions; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 22, insert new section (10): (10) All the preceding provisions are permissive regarding all political subdivisions of the state.

Amendment 2—On page 2, line 8, strike the period "." and insert: or Community College District Boards of Trustees

On motions by Senator Scott, the Senate concurred in the House Amendments.

SB 1103 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Maxwell	Steinberg
Anderson	Gorman	McClain	Stuart
Barron	Grizzle	McKnight	Thomas
Carlucci	Hair	Neal	Tobiasen
Chamberlin	Henderson	Poole	Trask
Childers, D.	Hill	Scarborough	Vogt
Childers, W. D.	Jenne	Scott	Ware
Dunn	Johnston	Skinner	Williamson
Fechtcl	MacKay	Spicola	Winn

Nays—None

Vote after roll call:

Yea—Peterson

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Anderson—

SB 1262—A bill to be entitled An act relating to extensions of credit; amending ss. 516.02, 506.031(1), 516.18(1), 516.21, 520.34(5), 657.14, 659.18, 659.181, 687.02, 687.04, Florida Statutes, and ss. 520.08(1)(a), 656.17, 665.381(4), (5), 687.03(1), Florida Statutes, 1978 Supplement; increasing the maximum rate of interest on various loans; increasing allowable finance charges on certain motor vehicles and retail installment contracts; authorizing banks to make certain loans not in excess of a specified amount; authorizing certain additional charges; authorizing banks to make overdraft and credit card loans up to a specified amount; providing penalties; providing an exemption; repealing s. 687.11, Florida Statutes, relating to rates of interest charged persons secondarily liable on corporate obligations; providing for certain sections to apply prospectively only; requiring the Department of Banking and Finance to study the operation of the Interest Rate Parity Law and report findings to the President of the Senate and the Speaker of the House; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 11, lines 27-31; page 12, lines 1-31; page 13 lines 1-4, strike all of said lines and renumber subsequent sections of the bill.

Amendment 2—On page 1, line 3 in title, strike "506.031(1)" and insert: 516.031(1)

Amendment 3—On page 13, line 7, strike "Except for Section 14,"

Amendment 4—On page 1, lines 15 & 16 in the title, strike ";providing penalties; providing an exemption"

Amendment 5—On page 13, line 11, strike "made" and insert: completed

Amendment 7—On pages 4 and 5, strike lines 22-31 and lines 1-17

Senator Anderson moved that the Senate concur in House Amendments 1, 2, 3, 4 and 5, and refuse to concur in House Amendment 7.

Senator Steinberg moved as a substitute motion that the Senate concur in all the House amendments.

Senator W. D. Childers called for a division of the question.

Senator W. D. Childers moved that the Senate concur in Amendment 7. The motion failed and the Senate refused to concur.

On motions by Senator Anderson the Senate concurred in House Amendments 1, 2, 3, 4 and 5.

SB 1262 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—25

Mr. President	Grizzle	Neal	Trask
Anderson	Henderson	Peterson	Ware
Barron	Hill	Poole	Williamson
Carlucci	Holloway	Scott	Winn
Childers, W. D.	Jenne	Spicola	
Fechtel	Maxwell	Steinberg	
Gorman	McKnight	Thomas	

Nays—7

Chamberlin	Hair	MacKay	Skinner
Frank	Johnston	Scarborough	

Votes after roll call:

Nay—McClain

Yea to Nay—Spicola

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 7; has refused to concur in Senate Amendments 2, 3, 4, 5 and 6 and requests the Senate to recede; has amended Senate Amendment 1, concurred in same as amended and passed CS for HB 506 as amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representative Crawford and others—

CS for HB 506—A bill to be entitled An act relating to medical assistance for needy persons; adding subsection (5) to s. 409.266, Florida Statutes, 1978 Supplement, requiring the Department of Health and Rehabilitative Services to provide certain medical services and supplies to eligible recipients of Medicaid under certain conditions; reenacting s. 409.345(10), Florida Statutes, 1978 Supplement, to incorporate the addition of subsection (5) to s. 409.266 in a reference thereto; providing an appropriation; providing an effective date.

House Amendment 1 to Senate Amendment 1—On page 3, lines 3-9, strike all of said lines

House Amendment 2 to Senate Amendment 1—On page 1, line b, strike all of said language and insert: page 3 lines 1-31

On motions by Senator Gordon, the Senate receded from Senate Amendments 2, 3, 4, 5 and 6 and concurred in House amendments to Senate Amendment 1.

CS for HB 506 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Mr. President	Frank	Johnston	Spicola
Anderson	Gordon	MacKay	Thomas
Barron	Gorman	McClain	Tobiassen
Carlucci	Grizzle	Peterson	Vogt
Chamberlin	Hair	Poole	Ware
Childers, D.	Hill	Scarborough	Williamson
Childers, W. D.	Holloway	Scott	Winn
Fechtel	Jenne	Skinner	

Nays—None

Vote after roll call:

Yea—McKnight

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1841 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Retirement, Personnel & Collective Bargaining—

HCR 1841—A concurrent resolution relating to the conference committee report on House Bill 1046.

—was read the first time in full. On motions by Senator Johnston, by two-thirds vote HCR 1841 was placed on the calendar and by two-thirds vote read the second time by title, adopted and certified to the House. The vote on passage was:

Yeas—25

Mr. President	Gorman	McClain	Vogt
Anderson	Hair	McKnight	Ware
Carlucci	Hill	Peterson	Williamson
Chamberlin	Holloway	Poole	Winn
Childers, D.	Jenne	Scott	
Childers, W. D.	Johnston	Steinberg	
Frank	MacKay	Tobiassen	

Nays—1

Skinner

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Gorman—

SB 362—A bill to be entitled An act relating to the Board of Pharmacy; requiring the board to issue a permit, upon application, to certain animal control agencies to buy, possess, and use sodium pentobarbital to euthanize injured, sick, or abandoned domestic animals; providing for an application fee; providing for annual renewal of the permit; providing for revocation or suspension of the permit; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 14, strike everything after the enacting clause and insert: Section 1. (1) The Board of Pharmacy shall adopt rules providing for the issuance of permits authorizing the purchase, possession, and use of sodium pentobarbital by county or municipal animal control agencies or humane societies registered with the Secretary of State for the purpose of euthanizing injured, sick or abandoned domestic animals which are in their lawful possession. The rules shall set forth guidelines for the proper storage and handling of sodium pentobarbital and such other provisions as may be necessary to ensure that the drugs are used solely for the purpose set forth in this section. The rules shall also provide for an application fee not to exceed \$50 and a biennial renewal fee not to exceed \$50.

(2) Any county or municipal animal control agency or any humane society registered with the Secretary of State may apply to the Department of Professional Regulation for a permit to purchase, possess and use sodium pentobarbital pursuant to subsection (1). Upon certification by the board that the applicant meets the qualifications set forth in the rules, the department shall issue the permit.

(3) The board may revoke or suspend the permit upon a determination that the permittee is using sodium pentobarbital for any purpose other than set forth herein or if the permittee fails to follow the rules of the board regarding proper storage and handling.

Section 2. This act shall take effect upon becoming a law.

Amendment 2—On page 1, lines 3-4 in title, strike board to issue a permit, upon application, and insert: Department of

Professional Regulation to issue a permit, upon certification by the board,

On motions by Senator Gorman, the Senate concurred in the House Amendments.

SB 362 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Grizzle	Myers	Stuart
Anderson	Hair	Neal	Thomas
Barron	Henderson	Peterson	Tobiasen
Carlucci	Hill	Poole	Vogt
Childers, D.	Holloway	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Williamson
Fechtel	Johnston	Skinner	Winn
Frank	McClain	Spicola	
Gorman	McKnight	Steinberg	

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has reconsidered passage, amended and passed as further amended—

By Senator Ware—

SB 468—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02(1), Florida Statutes; providing for an increase in the excise tax on deeds and other instruments relating to realty; amending s. 201.15, Florida Statutes; providing for distribution of taxes collected pursuant to chapter 201, Florida Statutes, to the General Revenue Fund of the state and to the Land Acquisition Trust Fund; repealing s. 201.021, Florida Statutes, which imposes a surtax on documents relating to realty; adding subsection (4) to s. 201.02, Florida Statutes; providing for the imposition of the tax on deeds on documents which convey any beneficial interest in lands, tenements, or other realty, even though the interest is designated as personal property; amending s. 201.08(1), Florida Statutes; requiring such tax to be paid only on the initial debt of a mortgage, trust deed, security agreement, or other evidence of indebtedness which secures future advances; requiring such tax to be paid on future advances at the time such advances are made; providing a penalty; amending s. 201.09, Florida Statutes; providing an exemption for a mortgage, trust deed, security agreement, or other evidence of indebtedness which evidences an exempt promissory note; amending s. 201.21, Florida Statutes; providing that the exemption provided by said section shall apply when specific collateral is pledged, or where the collateral obligation is temporarily removed; adding paragraph (c) to s. 201.23(1), Florida Statutes; including among foreign notes exempt under that subsection certain promissory notes executed outside the state, if secured by a mortgage on foreign real estate; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 7, strike “and the terms thereof remain” and insert: *remains*

Amendment 2—On page 3, lines 10-19, strike all of said lines and renumber subsequent sections.

Amendment 3—On page 1, line 6 in the title, strike “on documents”

Amendment 4—On page 1, line 4 in the title, strike all of said line and insert: ;

On motions by Senator Ware, the Senate concurred in the House Amendments.

SB 468 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gorman	McKnight	Steinberg
Anderson	Grizzle	Myers	Stuart
Barron	Henderson	Neal	Thomas
Chamberlin	Hill	Peterson	Tobiasen
Childers, D.	Holloway	Poole	Trask
Childers, W. D.	Jenne	Scarborough	Vogt
Fechtel	Johnston	Scott	Ware
Frank	Maxwell	Skinner	Williamson
Gordon	McClain	Spicola	Winn

Nays—None

Votes after roll call:

Yea—Carlucci, Hair

The bill was ordered engrossed and then enrolled.

CONSENT CALENDAR

HB 295—A bill to be entitled An act relating to the Municipal Firemen's Pension Trust Fund; amending s. 175.021, Florida Statutes, restating the legislative declaration to conform to the act; amending s. 175.032(1), Florida Statutes, replacing the term “fireman” with “firefighter” and defining “volunteer firefighter”; amending s. 175.041(1), Florida Statutes, and adding a new subsection (2), changing the compliance standards for equipment owned by municipal and volunteer fire departments for purposes of the creation of a pension trust fund; amending s. 175.311, Florida Statutes, prohibiting certain discrimination in any pension plan; amending the introductory paragraph of s. 175.351, Florida Statutes, replacing the term fireman with firefighter; directing that changes in terminology in the Florida Statutes be made; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendment which was moved by Senator Stuart and adopted:

Amendment 1—On page 5, line 18, insert a new Section 7.: Section 7. Subsection (1) of section 185.02, Florida Statutes, is amended to read:

185.02 Definitions.—The following words or phrases as used in this chapter shall have the following meanings, unless a different meaning is plainly required by the context:

(1) “Police officer” means full-time police officers who receive compensation from municipal funds of any incorporated municipality of the state for services rendered. *For the purposes of this chapter only, “police officer” also shall include public safety officers who are responsible for performing both police and fire services. No municipality shall establish more than one retirement plan for public safety officers which is supported in whole or in part by the distribution of premium tax funds as provided by this chapter or chapter 175, nor shall any municipality establish a retirement plan for public safety officers which receives premium tax funds from both this chapter and chapter 175.*

(Renumber subsequent section).

Senator Dunn moved the following amendment:

Amendment 2—On page 4, strike all of lines 10 through 16

Senator Stuart moved the following substitute amendment which was adopted:

Amendment 3—On page 4, strike all of lines 13 and 14, and insert: *fighting of fires that is in compliance*

Ways and Means Subcommittee E offered the following amendments which were moved by Senator Stuart and adopted:

Amendment 4—On page 1 in title, line 19, insert after the semi-colon (;): amending s. 185.02(1), Florida Statutes, redefining the term “police officer” for the purpose of the Municipal Police Officers' Retirement Trust Fund;

Amendment 5—On page 1 in title, line 3, insert between the word "Fund" and the semi-colon(;): and the Municipal Police Officers' Retirement Trust Fund

On motion by Senator Stuart, by two-thirds vote HB 295 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Grizzle	McKnight	Thomas
Anderson	Hair	Myers	Tobiasen
Barron	Henderson	Neal	Trask
Carlucci	Hill	Peterson	Vogt
Childers, D.	Holloway	Poole	Ware
Childers, W. D.	Jenne	Scarborough	Williamson
Dunn	Johnston	Scott	Winn
Fechtel	MacKay	Spicola	
Frank	Maxwell	Steinberg	
Gorman	McClain	Stuart	

Nays—None

HB 11—A bill to be entitled An act relating to fertilizer; adding new subsections (3) and (4) to s. 576.011, Florida Statutes, providing definitions; creating s. 576.055, Florida Statutes, authorizing the Department of Agriculture and Consumer Services to require facilities manufacturing bulk mixed fertilizer to adopt certain procedures to avoid coning of fertilizer; amending s. 576.061(3)(c), Florida Statutes, changing the procedure and the time period in which a fertilizer manufacturer, dealer, or agent must pay any penalties to a consumer following an analysis of fertilizer; providing an effective date.

—was read the second time by title. On motion by Senator Skinner, by two-thirds vote HB 11 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gorman	Maxwell	Steinberg
Anderson	Grizzle	McClain	Thomas
Carlucci	Hair	McKnight	Tobiasen
Chamberlin	Henderson	Neal	Trask
Childers, D.	Hill	Poole	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	Jenne	Scott	Williamson
Fechtel	Johnston	Skinner	Winn
Frank	MacKay	Spicola	

Nays—None

Vote after roll call:

Yea—Peterson

Consideration of CS for SB 969 was deferred.

SB 559—A bill to be entitled An act relating to county government; amending s. 125.69, Florida Statutes; empowering counties to prescribe the punishment for violations of their ordinances; providing for the prosecution of violations declared to be misdemeanors; amending ss. 775.08(2) and (3) and 775.082(5), Florida Statutes; removing the exemption of county ordinance violations from the definitions of "misdemeanor" and "noncriminal violation" and from provisions relating to the penalty for noncriminal violations; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs offered the following amendments which were moved by Senator Scott and adopted:

Amendment 1—On page 1, line 17, strike everything after the enacting clause and insert: Section 1. Section 125.69, Florida Statutes, is amended to read:

125.69 Penalties.—Violations of county ordinances ~~are misdemeanors and shall be prosecuted in the same manner as misdemeanors are prosecuted.~~ Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof, and upon con-

viction shall be punished by a fine not to exceed \$500 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment.

Section 2. This act shall take effect October 1, 1979.

Amendment 2—On page 1 in title, strike lines 2 through 13, and insert: An act relating to county government; amending s. 125.69, Florida Statutes, to provide that violations of county ordinances shall be prosecuted in the same manner as misdemeanors are prosecuted. Providing a penalty for the violation of county ordinances; providing an effective date.

Further consideration of SB 559 was deferred.

By the Committee on Education and Senator McClain—

CS for CS for SB 925—A bill to be entitled An act relating to apprenticeship; amending s. 446.011, Florida Statutes, providing legislative intent; amending s. 446.021, Florida Statutes, defining terms; amending s. 446.041, Florida Statutes, 1978 Supplement, providing for the duties of the Bureau of Apprenticeship of the Division of Labor with respect to apprenticeship programs; amending s. 446.051, Florida Statutes, providing for the authority and duties of the program sponsors and appropriate vocational education institutions concerning related and supplemental instruction of apprentices; amending s. 446.052, Florida Statutes, providing for the authority and duties of the Division of Vocational Education of the Department of Education, the Division of Labor, district school boards and community college boards of trustees concerning the pre-apprenticeship program; amending s. 446.071, Florida Statutes, providing for apprenticeship sponsors; providing for approval of new programs upon a determination of need by the Bureau of Apprenticeship; qualifying the term "need"; providing for variances in standards for programs in nonconstruction trades; amending s. 446.075, Florida Statutes, conforming to the department name change made in 1978; creating s. 446.092, Florida Statutes, providing criteria for apprenticeship occupations; amending s. 446.101(2), Florida Statutes, 1978 Supplement, deleting certain definitions; providing an effective date.

—was read the first time by title and SB 925 and CS for SB 925 were laid on the table.

Pending further consideration of CS for CS for SB 925, on motions by Senator McClain, the rules were waived and by two-thirds vote HB 1606 was withdrawn from the Committees on Commerce and Education.

On motion by Senator McClain—

HB 1606—A bill to be entitled An act relating to apprenticeship; amending s. 446.011, Florida Statutes, providing legislative intent; amending s. 446.021, Florida Statutes, defining terms; amending s. 446.031, Florida Statutes, directing the Division of Labor of the Department of Labor and Employment Security to establish certain standards and policies; amending s. 446.041, Florida Statutes, 1978 Supplement, providing for the duties of the Bureau of Apprenticeship of the Division of Labor with respect to apprenticeship programs; amending s. 446.051, Florida Statutes, providing for the authority and duties of the program sponsors, district school boards, and community college boards of trustees concerning related and supplemental instruction of apprentices; amending s. 446.052, Florida Statutes, providing for the authority and duties of the Division of Vocational Education of the Department of Education, the Division of Labor, and community college boards of trustees concerning the preapprenticeship program; amending s. 446.071, Florida Statutes, providing for apprenticeship sponsors; providing for approval of new programs upon a determination of need by the Bureau of Apprenticeship; providing criteria for making such determinations; providing for variances in standards for programs in nonconstruction trades; amending s. 446.075, Florida Statutes, conforming to the department name change made in 1978; creating s. 446.092, Florida Statutes, providing criteria for apprenticeship occupations; amending s. 446.101(2), Florida Statutes, 1978 Supplement, deleting certain definitions; providing for conditional repeal; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 925 and read the second time by title.

Senator McClain offered the following amendment which was moved by Senator MacKay and adopted:

Amendment 1—On page 10, strike lines 1 and 2 and insert: (3) The Division of Vocational Education, the district school boards and the community college boards of trustees, and the

Senator McClain moved the following amendment which was adopted:

Amendment 2—On page 3, strike all of lines 8 through 12 and insert: apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades, and the Division of Vocational Education of the Department of Education shall have responsibility for assisting district school boards and community college boards of trustees in developing preapprenticeship programs in compliance with the standards established by the Division of Labor.

Amendment 3—Withdrawn

Senator McClain offered the following amendments which were moved by Senator MacKay and adopted:

Amendment 4—On page 8, strike all of lines 22 and 23 and insert: Vocational Education of the Department of Education and appropriate vocational education institutions in the development of

Amendment 5—On page 9, strike all of lines 4 through and including line 12 and insert: (1) The administration and supervision of related and supplemental instruction for apprentices, coordination of such instruction with job experiences, and selection and training of teachers and coordinators for such instruction, all as approved by the *registered program sponsor, division*, shall be the responsibility of the *appropriate vocational education institution. state supervisor of trade and industrial education in the Department of Education.*

(2) *The appropriate vocational education institution shall be encouraged to cooperate with and assist in*

Amendment 6—On page 9, strike all of lines 28-31 and insert: programs in cooperation with district school boards and community college boards of trustees. District school boards, community college boards of trustees and registered program sponsors shall cooperate in developing and establishing programs that include vocational instruction and general education courses required to obtain a high school diploma.

Amendment 7—On page 10, strike all of lines 19 through 31 and insert: by the Division of Labor. *Need refers to the need of Florida residents for apprenticeship training. In the absence of proof to the contrary, it shall be presumed that there is need for apprenticeship and preapprenticeship training in each county of Florida.*

Amendment 8—On page 12, line 24, strike "(c) Clerical occupations; or"

Reletter subsequent paragraphs.

On motion by Senator McClain, by two-thirds vote HB 1606 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Myers	Thomas
Anderson	Henderson	Neal	Tobiasen
Carlucci	Hill	Peterson	Trask
Chamberlin	Holloway	Poole	Vogt
Childers, D.	Jenne	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Fechtel	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	
Gorman	McClain	Steinberg	
Grizzle	McKnight	Stuart	

Nays—None

CS for CS for SB 925 was laid on the table.

Senator Scarborough presiding

The hour of 3:00 p.m. having arrived, the Senate took up—

CS for HB 141—A bill to be entitled An act relating to the Cross Florida Barge Canal; transferring the Canal Authority; establishing the Cross Florida Barge Canal Trust Fund; transferring state lands to an expanded Ocala National Forest; granting the power of eminent domain for purposes of transfer; reserving road rights-of-way; retaining state lands at Lake Rousseau and the Withlacoochee River; granting the power of eminent domain for purposes of retention; providing for an interagency committee on restoration of the Withlacoochee River; prohibiting expenditures for the completion of the canal; creating a management plan; disposing of surplus lands; refunding money to the counties; establishing a contingent appropriation from the General Revenue Fund; establishing an advisory committee for the management plan; conducting public hearings; vesting title, easements, and interests in land with the Board of Trustees of the Internal Improvement Trust Fund; granting power to make contracts; authorizing agreements with the Federal Government for restoration of the Lake Rousseau area, Withlacoochee River, and portions of the Cross Florida Barge Canal; adding subsection (4) to s. 20.25, Florida Statutes, transferring the Canal Authority to the Department of Natural Resources; disposing of Cross Florida Canal Navigation District property and funds; providing for liberal construction; repealing parts I and II of chapter 374, Florida Statutes, which creates the Canal Authority and the navigation taxing districts; providing for severability; providing an appropriation; providing a conditional effective date.

—which was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Carlucci:

Amendment 1—On page 3, line 31, and page 4, lines 1-5, strike all of such lines and insert: lake for recreational and scientific purposes.

Senator Henderson moved the following substitute amendment:

Amendment 2—On page 3, lines 23-31, after the period on line 23, strike all of said lines and page 4, lines 1-5

Senator MacKay moved the following amendments to Amendment 2 which were adopted:

Amendment 2A—On page 3, lines 26-31, strike after the comma," all of said lines and insert: shall include the lands which comprise the Rodman Dam and Rodman Reservoir, also known as Lake Ocklawaha, only if the Governor and Florida Cabinet, as the head of the Department of Natural Resources, shall determine that such conveyance is consistent with the conclusions of the Land Management Plan required herein. If such plan shall provide for the continued use and maintenance of the Lake Ocklawaha lands for recreational and scientific purposes, any deed conveying such lands shall contain appropriate restrictions assuring such continued use.

Amendment 2B—On page 7, lines 2-3, insert a new paragraph "b" renumbering subsequent paragraphs:

(b) Develop a management plan for the lands comprising the Rodman Dam and Rodman Reservoir, also known as Lake Ocklawaha identifying the recreational and scientific management options which are most environmentally desirable and cost-effective. Such management plan shall contain a specific determination regarding the continued maintenance of the Rodman Dam and Reservoir (Lake Ocklawaha) or the drainage of the reservoir and restoration of the area to its former natural state, as the case may be.

Amendment 2 as amended was adopted.

The Committee on Ways and Means offered the following amendments which were moved by Senator Henderson and adopted:

Amendment 3—On page 3, line 22, strike "determined" and insert: authorized

Amendment 4—On page 4, line 8, insert after "acquire": by purchase, exchange of other state lands, or

Amendment 5—On page 5, line 16, insert after "acquire": by purchase, exchange of other state lands, or

Amendment 6—On page 7, line 10, insert after "land": but not to his heirs or assigns or any other person.

Amendment 7—On page 7, line 12, insert after "donor": or his heirs but not his assigns or any other person.

Amendment 8—On page 9, line 21, insert after "revert.": The Trustees shall utilize such lands or interests in lands pending said disposition for recreation or water management, or other purposes authorized to be performed by water management districts pursuant to s. 373.139 which uses the legislature finds to be necessary and for a public purpose.

The Committee on Ways and Means offered the following amendment which was moved by Senator Henderson and failed:

Amendment 9—On page 12, line 4, strike "shall" and insert: may

The Committee on Ways and Means offered the following amendments which were moved by Senator Henderson and adopted:

Amendment 10—On page 12, line 7, insert after "principal": Section 15. The Canal Authority is authorized to enter into a contract with the Department of Natural Resources for development of a proposed management plan, for purposes as expressed in Section 4, subsection 2, paragraph a. of this Act.

Renumber subsequent section.

Amendment 11—On page 12, line 12, insert after "Congress": , provided that section 15 shall take effect on July 1, 1979.

Senators Fechtel, MacKay, Peterson and Trask offered the following amendment which was moved by Senator Fechtel and failed:

Amendment 12—On page 10, between lines 11 and 12, insert: Section 7. It is the intent and desire of the Legislature that if the Cross-Florida Barge Canal is deauthorized by the United States Congress, those counties which expended or obligated moneys for construction of facilities directly related to the canal in reliance on the existence or completion of the canal, shall be reimbursed for such expenses and costs with interest. The Governor and Cabinet as head of the Department of Natural Resources shall make the determination of reimbursement amounts to counties under this paragraph.

(Renumber subsequent sections.)

Senator MacKay moved the following amendments which were adopted:

Amendment 13—On page 7, line 2, insert: The management plan shall also address any remedial measures necessary to correct any environmental or economic damages caused by works constructed as a part of or as a result of the uncompleted sections of the Cross Florida Barge Canal.

Amendment 14—On page 7, line 2, strike "(c), (d), or (e)" and insert: (d), (e), or (f)

Amendment 15—On page 12, line 7, insert after "principal": Section 15. The Canal Authority is authorized to enter into a contract with the Department of Natural Resources for the development of the management plans required by Section 4, subsection 2, paragraphs A and B of this act.

Renumber subsequent section.

The Committee on Ways and Means offered the following amendment which was moved by Senator MacKay and adopted:

Amendment 16—

Page 1:

Lines 7 and 8 strike: "of transfer"

Line 11 strike: "of retention"

On Page 1: Line 6 after Forest; insert: authorizing acquisition of lands and
Line 7 after the word "for" insert: public
Line 10 after River; insert: authorizing acquisition of lands and
Line 11 after the word "for" insert: public
Line 23 after Fund; insert: and providing for certain uses of said lands

On page 2: Line 6 after the word "providing" insert: for
Line 6 after appropriation; insert: providing contract authority between the canal authority and the Department of Natural Resources for the preparation of the management plan prior to the effective date of the act;

On motion by Senator Henderson, by two-thirds vote CS for HB 141 as amended was read the third time by title. The vote was:

Yeas—24

Chamberlin	Grizzle	Maxwell	Steinberg
Childers, D.	Henderson	McKnight	Stuart
Dunn	Hill	Myers	Vogt
Frank	Jenne	Poole	Ware
Gordon	Johnston	Scott	Williamson
Gorman	MacKay	Spicola	Winn

Nays—12

Anderson	Childers, W. D.	Holloway	Thomas
Barron	Fechtels	Peterson	Tobiassen
Carlucci	Hair	Skinner	Trask

CS for HB 141 as amended passed and was certified to the House. The vote on passage was:

Yeas—29

Anderson	Grizzle	McKnight	Tobiassen
Chamberlin	Henderson	Myers	Vogt
Childers, D.	Hill	Poole	Ware
Childers, W. D.	Holloway	Scott	Williamson
Dunn	Jenne	Spicola	Winn
Frank	Johnston	Steinberg	
Gordon	MacKay	Stuart	
Gorman	Maxwell	Thomas	

Nays—8

Barron	Fechtels	Peterson	Skinner
Carlucci	Hair	Scarborough	Trask

Votes after roll call:

Yea—McClain

Nay to Yea—Skinner

Explanation of Vote

In recent weeks it has become clear that several counties have expended and obligated money for construction of facilities directly related to completion of the canal. These counties should be reasonably reimbursed. I believe it is totally unfair that if the canal is deauthorized, the taxpayers of those counties would have to sustain that net loss. My amendment to remedy this wrong, having failed, is the primary basis for my nay vote.

Vince Fechtel, 11th District

On motion by Senator Frank, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1836 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Morgan and others—

HCR 1836—A concurrent resolution declaring support for the hosting of the 1983 International Special Olympics Games in Florida.

—was read the first time in full. On motions by Senator Frank, by two-thirds vote HCR 1836 was placed on the calendar and by two-thirds vote read the second time by title, adopted, and certified to the House. The vote on adoption was:

Yeas—27

Anderson	Gorman	McKnight	Thomas
Barron	Grizzle	Poole	Tobiassen
Chamberlin	Hill	Scarborough	Trask
Childers, D.	Jenne	Scott	Vogt
Dunn	Johnston	Spicola	Ware
Fechtcl	Maxwell	Steinberg	Winn
Frank	McClain	Stuart	

Nays—None

Votes after roll call:

Yea—Carlucci, W. D. Childers, Hair

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 251 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative M. E. Hawkins—

HB 251—A bill to be entitled An act relating to county government; amending s. 125.69, Florida Statutes, to provide that violations of county ordinances shall be prosecuted in the same manner as misdemeanors are prosecuted. Providing a penalty for the violation of county ordinances; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

On motion by Senator Scott, by two-thirds vote HB 251 was withdrawn from the Committee on Judiciary-Criminal.

CONSENT CALENDAR, resumed

The Senate resumed consideration of SB 559 as amended and on motion by Senator Scott, HB 251, a companion measure, was substituted therefor. On motions by Senator Scott, by two-thirds vote HB 251 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

Mr. President	Grizzle	Peterson	Trask
Anderson	Hill	Scarborough	Vogt
Barron	Jenne	Scott	Ware
Chamberlin	Johnston	Spicola	Winn
Childers, D.	MacKay	Steinberg	
Fechtcl	Maxwell	Thomas	
Gorman	McKnight	Tobiassen	

Nays—None

Votes after roll call:

Yea—Carlucci, W. D. Childers, Hair

SB 559 was laid on the table.

On motion by Senator Thomas, the rules were waived and by two-thirds vote HB 1484 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Thomas, by unanimous consent—

HB 1484—A bill to be entitled An act relating to saltwater conservation; amending s. 370.16(14) and 370.16(16), Florida Statutes, as amended by Chapter 78-96, Laws of Florida, providing for a special 3-month oyster season in a portion of waters of Franklin County for the 1979 season; providing for prima facie evidence of violation; providing penalties; specifying area where possession of undersized oysters is prohibited; deleting size requirement; specifying when oysters may be measured to determine the percentage of undersized oysters; deleting prohibition of sale of undersized oysters; restricting the size of oysters that may be taken during the special season; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 1484 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Anderson	Grizzle	McKnight	Tobiassen
Barron	Hair	Neal	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scott	Ware
Childers, D.	Holloway	Skinner	Williamson
Childers, W. D.	Johnston	Spicola	Winn
Dunn	MacKay	Steinberg	
Fechtcl	Maxwell	Thomas	

Nays—None

By the Committee on Commerce and Senator Jenne—

CS for SB 803—A bill to be entitled An act relating to the towing of motor vehicles; amending ss. 713.78(1) and (2) and 715.07, Florida Statutes, providing for additional conditions on the removal of motor vehicles from private property; providing that a lien for towing and storage of motor vehicles shall not attach unless said towing and storage is done in compliance with statutory requirements; providing an effective date.

—was read the first time by title and SB 803 was laid on the table.

On motions by Senator Jenne, by two-thirds vote CS for SB 803 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Anderson	Hair	McKnight	Steinberg
Barron	Henderson	Myers	Thomas
Carlucci	Hill	Neal	Tobiassen
Chamberlin	Holloway	Poole	Trask
Childers, D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtcl	MacKay	Skinner	Winn
Grizzle	Maxwell	Spicola	

Nays—None

Votes after roll call:

Yea—W. D. Childers, Frank

SB 975—A bill to be entitled An act relating to the transportation of school children; amending s. 234.041(1), Florida Statutes, 1978 Supplement, providing that it is lawful for any

private or church-affiliated school which picks up and delivers school children in grades K through 12 during the school week or on weekends to operate buses which are colored school bus chrome; requiring such schools to operate buses which are colored school bus chrome; providing an effective date.

—was read the second time by title.

Senator Peterson moved the following amendment which was adopted:

Amendment 1—On page 2, strike all of lines 8 and 9 and insert: "*Any private*" and underscore all of lines 10 through 19

On motion by Senator Maxwell, by two-thirds vote SB 975 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Anderson	Grizzle	McKnight	Trask
Barron	Hair	Poole	Vogt
Chamberlin	Henderson	Scarborough	Ware
Dunn	Hill	Scott	Williamson
Fechtel	Holloway	Spicola	Winn
Frank	Jenne	Steinberg	
Gorman	McClain	Stuart	

Nays—None

Votes after roll call:

Yea—Carlucci, W. D. Childers

SB 476 was taken up and on motion by Senator Ware, the rules were waived and by two-thirds vote HB 1093 was withdrawn from the Committee on Commerce.

On motion by Senator Ware—

HB 1093—A bill to be entitled An act relating to conveyances by corporations; amending s. 692.01, Florida Statutes, authorizing corporate officers to execute assignments of mortgages and acquittances of debts; providing an effective date.

—a companion measure, was substituted for SB 476 and read the second time by title. On motion by Senator Ware, by two-thirds vote HB 1093 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Anderson	Grizzle	McClain	Stuart
Barron	Henderson	McKnight	Thomas
Chamberlin	Hill	Neal	Tobiasen
Childers, D.	Holloway	Poole	Trask
Dunn	Jenne	Scarborough	Vogt
Fechtel	Johnston	Scott	Ware
Frank	MacKay	Spicola	Williamson
Gorman	Maxwell	Steinberg	Winn

Nays—None

Votes after roll call:

Yea—Carlucci, W. D. Childers, Hair

SB 476 was laid on the table.

By the Committee on Health and Rehabilitative Services and Senators Chamberlin and Frank—

CS for SB 969—A bill to be entitled An act relating to child abuse; amending s. 827.07, Florida Statutes, 1978 Supplement; providing legislative intent; providing definitions; requiring all persons who know or have reason to suspect that a child is abused or neglected to report same to the department; providing for mandatory reporting of certain deaths and for post-mortem investigations thereof; providing for photographs and x-rays to be made and for payment therefor; authorizing and providing procedures for taking a child into protective custody; providing for immunity from civil or criminal liability; providing for the abrogation of privileged communication in certain situations; providing reporting procedures; providing for departmental child protective investigations, setting out the

elements thereof, and providing for multidisciplinary child protection teams; specifying the responsibilities of public agencies; requiring the department to conduct an education and training program, establishing a statewide abuse registry; providing for expunction of registry reports; requiring the department, and the state attorney in certain cases, to investigate reports of institutional child abuse and neglect; providing for the confidentiality of reports and records; allowing limited access to certain individuals; protecting the identity of persons reporting abuse or neglect; providing for appointment of guardian ad litem; providing for rules; providing penalties; amending s. 39.01(27), Florida Statutes, 1978 Supplement, conforming the definition of "neglect" with respect to dependent children, to the act; providing an effective date.

—was read the first time by title and SB 969 was laid on the table.

On motion by Senator Chamberlin, by two-thirds vote CS for SB 969 was read the second time by title.

Senator Chamberlin moved the following amendments which were adopted:

Amendment 1—On page 5, line 24, strike "(10)" and insert: (9)

Amendment 2—On page 7, line 13, strike "(11)" and insert: (10)

On motion by Senator Chamberlin, by two-thirds vote CS for SB 969 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Anderson	Gorman	McKnight	Thomas
Barron	Grizzle	Neal	Tobiasen
Carlucci	Henderson	Poole	Trask
Chamberlin	Hill	Scarborough	Vogt
Childers, D.	Jenne	Scott	Ware
Dunn	MacKay	Spicola	Williamson
Fechtel	Maxwell	Steinberg	Winn
Frank	McClain	Stuart	

Nays—None

Votes after roll call:

Yea—W. D. Childers, Hair

By the Committee on Judiciary-Civil and Senator Poole—

CS for SB 1011—A bill to be entitled An act relating to elections; amending ss. 97.061(3) and 101.051(1) and (3), Florida Statutes, providing voter assistance for blind electors; providing an effective date.

—was read the first time by title and SB 1011 was laid on the table.

On motions by Senator Poole, by two-thirds vote CS for SB 1011 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Anderson	Grizzle	McKnight	Thomas
Barron	Hill	Neal	Tobiasen
Carlucci	Holloway	Poole	Trask
Chamberlin	Jenne	Scarborough	Vogt
Childers, D.	Johnston	Scott	Ware
Fechtel	MacKay	Spicola	Williamson
Frank	Maxwell	Steinberg	Winn
Gorman	McClain	Stuart	

Nays—None

Votes after roll call:

Yea—W. D. Childers, Hair

HB 1514—A bill to be entitled An act relating to the Florida Racketeer Influenced and Corrupt Organization (RICO) Act; amending ss. 943.46 and 943.464(2) and the introductory paragraph of s. 943.461, Florida Statutes, to conform to the act; creating s. 943.465, Florida Statutes; providing for civil investigative subpoenas; providing for court orders to compel compliance with subpoenas; providing for immunity for those compelled to testify pursuant to subpoena; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal offered the following amendments which were moved by Senator Spicola and adopted:

Amendment 1—On page 1, line 16, strike everything after the enacting clause and insert:

Section 1. Section 943.465, Florida Statutes, is created to read:

943.465 Civil investigative subpoenas.—

(1) As used in this section, "investigative agency" means the Department of Legal Affairs or office of a state attorney.

(2) If, pursuant to the civil enforcement provisions of s. 943.464, the investigative agency has reason to believe that a person or other enterprise has engaged in, or is engaging in, activity in violation of this act, the investigative agency may administer oaths or affirmations, subpoena witnesses or material, and collect evidence pursuant to the Florida Rules of Civil Procedure.

(3) If matter that the investigative agency seeks to obtain by the subpoena is located outside the state, the person or enterprise subpoenaed may make such matter available to the investigative agency or its representative for examination at the place where such matter is located. The investigative agency may designate representatives, including officials of the jurisdiction in which the matter is located, to inspect the matter on its behalf, and may respond to similar requests from officials of other jurisdictions.

(4) Upon failure of a person or enterprise, without lawful excuse, to obey a subpoena, and after reasonable notice to such person or enterprise, the investigative agency may apply to the circuit court for the judicial circuit in which such person or enterprise resides, is found, or transacts business, for an order compelling compliance.

Section 2. Section 943.46, Florida Statutes, is amended to read:

943.46 Short title.—Sections ~~943.46-943.465~~ ~~943.46-943.464~~ shall be known as the Florida RICO (Racketeer Influenced and Corrupt Organization) Act.

Section 3. Section 943.461, Florida Statutes, is amended to read:

943.461 Definitions.—As used in ss. ~~943.46-943.465~~ ~~943.46-943.464~~:

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime which is chargeable by indictment or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.
2. Section 409.325, relating to public assistance fraud.
3. Chapter 517, relating to sale of securities.
4. Section 550.24, s. 550.35, or s. 550.36, relating to dogracing and horseracing.
5. Section 551.09, relating to jai alai frontons.
6. Chapter 552, relating to the manufacture, distribution, and use of explosives.
7. Chapter 562, relating to beverage law enforcement.

8. Chapter 687, relating to interest and usurious practices.
9. Chapter 782, relating to homicide.
10. Chapter 784, relating to assault and battery.
11. Chapter 787, relating to kidnapping.
12. Chapter 790, relating to weapons and firearms.
13. Section 796.01, s. 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.
14. Chapter 806, relating to arson.
15. Chapter 812, relating to theft, robbery, and related crimes.
16. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.
17. Chapter 831, relating to forgery and counterfeiting.
18. Chapter 832, relating to issuance of worthless checks and drafts.
19. Chapter 837, relating to perjury.
20. Chapter 838, relating to bribery and misuse of public office.
21. Chapter 843, relating to obstruction of justice.
22. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.
23. Section 849.09, s. 849.14, s. 849.15, s. 849.23, s. 849.24, or s. 849.25, relating to gambling.
24. Chapter 893, relating to drug abuse prevention and control.
25. Sections 918.12-918.14, relating to tampering with jurors, evidence, and witnesses.

(b) Any conduct defined as "racketeering activity" under Title 18, United States Code, s. 1961 (1) (A), (B), (C), and (D).

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.24, s. 550.35, or s. 550.36, relating to dogracing and horseracing.
2. Section 551.09, relating to jai alai frontons.
3. Chapter 687, relating to interest and usury.
4. Section 849.09, s. 849.14, s. 849.15, s. 849.23, s. 849.24, or s. 849.25, relating to gambling.

(b) In gambling activity in violation of federal law or in the business of lending money at a rate usurious under state or federal law.

(3) "Enterprise" means any individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity, and it includes illicit as well as licit enterprises and governmental, as well as other entities.

(4) "Pattern of racketeering activity" means engaging in at least two incidents of racketeering conduct that have the same or similar intents, results, accomplices, victims, or methods of commission or otherwise are interrelated by distinguishing characteristics and are not isolated incidents, provided at least one of such incidents occurred after the effective date of this act and that the last of such incidents occurred within 5 years after a prior incident of racketeering conduct.

(5) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonorecord, magnetic tape, computer printout, other data compilation from

which information can be obtained or from which information can be translated into useable form, or other tangible item.

Section 4. This act shall take effect upon becoming a law.

Amendment 2—On page 1, lines 1-10, strike everything and insert: A bill to be entitled An act relating to the Florida RICO (Racketeer Influenced and Corrupt Organization) Act; creating s. 943.465, Florida Statutes; prescribing a procedure for obtaining subpoenas by certain investigative agencies; providing for orders to compel compliance; amending ss. 943.46, 943.461, Florida Statutes, conforming language; providing an effective date.

On motion by Senator Spicola, by two-thirds vote HB 1514 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Anderson	Gorman	Maxwell	Steinberg
Barron	Grizzle	McClain	Thomas
Carlucci	Henderson	McKnight	Tobiassen
Chamberlin	Hill	Neal	Trask
Childers, D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtcl	Johnston	Scott	Williamson
Frank	MacKay	Spicola	Winn

Nays—None

Votes after roll call:

Yea—W. D. Childers, Hair

SB 1150—A bill to be entitled An act relating to retardation; amending s. 393.15(5), Florida Statutes; providing for forgiving the repayment of group-living home loans granted prior to October 1, 1976, and those granted on or after October 1, 1976; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote SB 1150 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Anderson	Grizzle	McClain	Tobiassen
Carlucci	Henderson	McKnight	Trask
Chamberlin	Hill	Neal	Vogt
Childers, D.	Holloway	Poole	Ware
Dunn	Jenne	Scott	Williamson
Fechtcl	Johnston	Spicola	Winn
Frank	MacKay	Steinberg	
Gorman	Maxwell	Thomas	

Nays—None

Votes after roll call:

Yea—W. D. Childers, Hair

SB 416—A bill to be entitled An act relating to the reimbursement to revolving funds for uninsured losses and theft; adding s. 216.271(5), Florida Statutes; providing for such reimbursement to such funds; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Tobiassen and adopted:

Amendment 1—On page 1, line 14, strike "fund in which the responsible operating department is budgeted" and insert: source from which such fund was established

On motion by Senator Tobiassen, by two-thirds vote SB 416 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Anderson	Frank	Maxwell	Tobiassen
Barron	Gorman	McClain	Trask
Carlucci	Grizzle	McKnight	Vogt
Chamberlin	Henderson	Neal	Ware
Childers, D.	Holloway	Peterson	Williamson
Childers, W. D.	Jenne	Spicola	Winn
Dunn	Johnston	Steinberg	
Fechtcl	MacKay	Thomas	

Nays—None

Vote after roll call:

Yea—Hair

HB 340—A bill to be entitled An act relating to saltwater conservation; prohibiting fishing with any net of 2,000 yards or longer or with a net placed closer than 50 yards to any other net in Levy and Dixie Counties; providing a penalty; providing an effective date.

—was read the second time by title.

Senator Henderson moved the following amendment which failed:

Amendment 1—On page 1, strike all of line 3 and insert: Section 3. Sections 1 and 2 of chapter 78-483, Laws of Florida, is amended to read:

Section 1. It is unlawful for any person to fish or to collect crabs, shrimp, lobsters, oysters, or other type of shellfish for commercial purposes, whether by net, trap, or other means, within any man-made canal located in the City of Cape Coral between the hours of 11 p.m. and 6 a.m.

Section 2. The violation of the provisions of section 1 is declared to be a criminal offense and misdemeanor within the meaning of s. 775.08, Florida Statutes, and shall be punishable as provided by law.

Section 4. This act shall take effect upon becoming a law, except that sections 1 and 2 shall take effect October 1, 1979.

On motion by Senator Trask, by two-thirds vote HB 340 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Anderson	Grizzle	Neal	Trask
Barron	Holloway	Peterson	Vogt
Carlucci	Jenne	Poole	Ware
Chamberlin	Johnston	Spicola	Williamson
Childers, D.	MacKay	Steinberg	Winn
Dunn	Maxwell	Stuart	
Frank	McClain	Thomas	
Gorman	McKnight	Tobiassen	

Nays—None

Votes after roll call:

Yea—W. D. Childers, Hair

On motion by Senator Jenne, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 1312 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representatives Lippman and L. J. Smith—

CS for HB 1312—A bill to be entitled An act relating to the towing of motor vehicles; amending ss. 713.78(1) and (2) and 715.07, Florida Statutes, providing for additional conditions on the removal of motor vehicles from private property; providing

that a lien for towing and storage of motor vehicles shall not attach unless said towing and storage is done in compliance with statutory requirements; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation.

CONSENT CALENDAR, continued

On motions by Senator Jenne, the rules were waived and by two-thirds vote CS for HB 1312 was withdrawn from the Committee on Transportation and placed next on the consent calendar.

On motions by Senator Jenne by two-thirds vote CS for HB 1312 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Anderson	Grizzle	McKnight	Thomas
Carlucci	Henderson	Neal	Tobiasen
Chamberlin	Holloway	Peterson	Vogt
Childers, D.	Jenne	Poole	Ware
Dunn	Johnston	Scarborough	Williamson
Fechtel	MacKay	Spicola	Winn
Frank	Maxwell	Steinberg	
Gorman	McClain	Stuart	

Nays—None

Votes after roll call:

Yea—W. D. Childers, Hair

By the Committee on Health and Rehabilitative Services and Senator Vogt—

CS for SB 677—A bill to be entitled An act relating to Human Rights Advocacy Committees; amending s. 20.19(6)(e), (7), Florida Statutes, 1978 Supplement; providing a restriction with respect to members of the committees; providing for committee access to certain client files, reports and confidential information; providing a penalty for disclosing confidential information therein; transferring to the district committees certain review and recommending powers of the state committee with respect to use of departmental clients for research projects; providing that a majority vote of district committee members, rather than district administrator, shall determine areas of responsibility of district committees; modifying membership requirements with respect to district committees; decreasing terms served on district committees from 4 years to 2 years; providing that the district committee, rather than the district administrator, shall fill vacancies, subject to gubernatorial approval; providing that nonaction constitutes approval in certain cases; specifying replacement of members failing to attend meetings and providing for definition of misfeasance and malfeasance of duty; requiring district committees to comply with procedures established by the statewide committee; providing for certain reimbursement of district committee members; providing that members currently serving may complete terms to which appointed; amending s. 827.09(6), Florida Statutes; requiring the department within a certain time to notify the appropriate human rights advocacy committee that an abuse has occurred; providing a definition; providing for conditional repeal; providing an effective date.

—was read the first time by title and SB 677 was laid on the table.

On motions by Senator Johnston, by two-thirds vote CS for SB 677 was read the second time by title.

Senator Vogt offered the following amendment which was moved by Senator Johnston and adopted:

Amendment 1—On page 3, lines 8-26 and on pages 7 and 8, lines 26-13, strike everything after "reports," through "chapter 400," and insert: *when such clients are receiving services in facilities operated directly by the Department of Health and Rehabilitative Services. In all other cases the human rights advocacy committee shall have standing to petition the circuit court for access to client records which are confidential as specified by law. The petition shall state the specific reasons that the committee is seeking access and the intended use of such information. The court may authorize committee access*

to such records upon a finding that such access is directly related to an investigation regarding the possible deprivation of human or constitutional rights or the abuse of a client.

On motion by Senator Johnston, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 952 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representative Evans—

CS for HB 952—A bill to be entitled An act relating to Human Rights Advocacy Committees; amending s. 20.19(6)(e) and (7), Florida Statutes, 1978 Supplement; providing a restriction with respect to members of the committees; providing for committee access to certain client files, reports and confidential information; providing a penalty for disclosing confidential information therein; transferring to the district committees certain review and recommending powers of the state committee with respect to use of departmental clients for research projects; providing that a majority vote of district committee members, rather than district administrator, shall determine areas of responsibility of district committees; modifying membership requirements with respect to district committees; decreasing terms served on district committees from 4 years to 2 years; providing that the district committee, rather than the district administrator, shall fill vacancies, subject to gubernatorial approval; providing that nonaction constitutes approval in certain cases; specifying replacement of members failing to attend meetings and providing for definition of misfeasance and malfeasance of duty; requiring district committees to comply with procedures established by the statewide committee; providing for certain reimbursement of district committee members; providing that members currently serving may complete terms to which appointed; amending s. 827.09(6), Florida Statutes, requiring the department within a certain time to notify the appropriate human rights advocacy committee that an abuse has occurred; providing a definition; providing for conditional repeal; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

CONSENT CALENDAR, continued

Pending further consideration of CS for SB 677 as amended, on motion by Senator Johnston, by two-thirds vote CS for HB 952 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Johnston, CS for HB 952, a companion measure, was substituted for CS for SB 677 and by two-thirds vote read the second time by title. On motion by Senator Johnston, by two-thirds vote CS for HB 952 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Anderson	Gorman	Maxwell	Thomas
Barron	Grizzle	McClain	Tobiasen
Chamberlin	Henderson	McKnight	Trask
Childers, D.	Hill	Neal	Vogt
Dunn	Holloway	Scott	Ware
Fechtel	Jenne	Spicola	Williamson
Frank	Johnston	Steinberg	Winn

Nays—None

Votes after roll call:

Yea—Carlucci, W. D. Childers, Hair

CS for SB 677 was laid on the table.

SB 1115—A bill to be entitled An act relating to the partnership laws; amending s. 620.07, Florida Statutes, relating to immunity from liability of limited partners; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil offered the following amendment which was moved by Senator Williamson and adopted:

Amendment 1—On page 1, line 15, after the word "given" insert: *pursuant to s. 620.71(1)(d)*

Pending further consideration of SB 1115 as amended, on motion by Senator Williamson, the rules were waived and by two-thirds vote HB 572 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Williamson—

HB 572—A bill to be entitled An act relating to the partnership laws; amending s. 620.07, Florida Statutes, relating to immunity from liability of limited partners; providing an effective date.

—a companion measure, was substituted for SB 1115 and read the second time by title. On motion by Senator Williamson, by two-thirds vote HB 572 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Anderson	Frank	Johnston	Steinberg
Barron	Gorman	Maxwell	Thomas
Chamberlin	Grizzle	McClain	Tobiassen
Childers, D.	Henderson	McKnight	Trask
Childers, W. D.	Hill	Peterson	Vogt
Dunn	Holloway	Scott	Williamson
Fechtel	Jenne	Spicola	Winn

Nays—1

Neal

Votes after roll call:

Yea—Carlucci, Hair

SB 1115 was laid on the table.

SB 44—A bill to be entitled An act relating to enforcement of foreign judgments; providing a short title; providing rules of construction; providing that certain foreign judgments may be filed and enforced as judgments of a circuit court; requiring certain information to be filed along with the judgment; requiring mailing of notice of filing to the judgment debtor; providing circumstances for a stay of enforcement; requiring payment of certain fees and service charges; providing an effective date.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote SB 44 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Anderson	Grizzle	McKnight	Steinberg
Barron	Henderson	Neal	Thomas
Chamberlin	Hill	Peterson	Tobiassen
Childers, D.	Holloway	Poole	Trask
Dunn	Jenne	Scarborough	Vogt
Fechtel	Johnston	Scott	Ware
Frank	Maxwell	Skinner	Williamson
Gorman	McClain	Spicola	Winn

Nays—None

Votes after roll call:

Yea—Carlucci, W. D. Childers, Hair

SB 959 was taken up and on motion by Senator Holloway, the rules were waived and by two-thirds vote HB 1127 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Holloway—

HB 1127—A bill to be entitled An act relating to county government; amending ss. 125.011(2) and 125.012(14), Florida Statutes, adding public mass transportation facilities to those projects authorized to be constructed by counties; providing an effective date.

—a companion measure, was substituted for SB 959 and read the second time by title. On motion by Senator Holloway, by two-thirds vote HB 1127 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

Anderson	Grizzle	McKnight	Trask
Barron	Henderson	Peterson	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, W. D.	Holloway	Scott	Winn
Fechtel	Jenne	Steinberg	
Frank	Maxwell	Thomas	
Gorman	McClain	Tobiassen	

Nays—None

Votes after roll call:

Yea—Carlucci, Hair

SB 959 was laid on the table.

Consideration of SB 1226 was deferred.

CS for SB 584 by the Committee on Natural Resources and Conservation and Senator Fechtel was read the first time by title and SB 584 was laid on the table.

Pending further consideration of CS for SB 584, on motion by Senator Fechtel, the rules were waived and by two-thirds vote HB 337 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Fechtel—

HB 337—A bill to be entitled An act relating to saltwater fisheries and conservation; amending s. 370.0821(1), (2), and (4), Florida Statutes, 1978 Supplement, and adding a new subsection (5) thereto; permitting the use of a recreational net in the salt waters of St. Johns County without a permit; defining the term "recreational net" and prohibiting the use of recreational nets in certain waters in St. Johns County; prohibiting the setting or hauling of recreational nets within 100 feet of certain other nets; prohibiting the use of recreational nets during certain hours; prohibiting users of recreational nets from taking certain amounts of fish; providing an effective date.

—a companion measure, was substituted for CS for SB 584 and read the second time by title. On motion by Senator Fechtel by two-thirds vote HB 337 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Anderson	Gorman	McKnight	Tobiassen
Barron	Grizzle	Neal	Trask
Carlucci	Henderson	Peterson	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Winn
Childers, W. D.	Johnston	Spicola	
Fechtel	Maxwell	Steinberg	
Frank	McClain	Thomas	

Nays—None

Vote after roll call:

Yea—Hair

CS for SB 584 was laid on the table.

SB 1179—A bill to be entitled An act relating to notice of meetings or hearings of governmental boards, commissions, and agencies; requiring such notice to include advice relating to the preparation of a record upon which an appeal may be based; providing an effective date.

—was read the second time by title. On motion by Senator Chamberlin, by two-thirds vote SB 1179 was read the third time

by title, passed and certified to the House. The vote on passage was:

Yeas—28

Anderson	Gorman	Maxwell	Thomas
Barron	Grizzle	McClain	Tobiassen
Chamberlin	Henderson	McKnight	Trask
Childers, W. D.	Hill	Peterson	Vogt
Dunn	Holloway	Scarborough	Ware
Fechtel	Jenne	Scott	Williamson
Frank	Johnston	Skinner	Winn

Nays—None

Votes after roll call:

Yea—Carlucci, Hair

HB 514—A bill to be entitled An act relating to corporations; amending s. 607.034(3), Florida Statutes, requiring successor registered agents of corporations to file a written statement of acceptance with the Department of State; amending s. 607.-324(2) and (3), Florida Statutes, requiring successor registered agents of foreign corporations to file such statements; repealing s. 607.037(3), Florida Statutes, allowing successor registered agents to be changed by filing the corporation's annual report; repealing s. 607.357(1)(g), Florida Statutes, stating the contents of a corporation's annual report; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Steinberg and adopted.

Amendment 1—On page 2, lines 13 and 14, strike all of said lines and insert: Section 3. Subsection (2) of section 607.037, Florida Statutes, is amended to read:

(Renumber subsequent sections.)

Amendment 2—On page 1 in the title, line 9, after the semicolon insert: amending s. 607.037(2), Florida Statutes, to conform to the act;

On motion by Senator Steinberg, by two-thirds vote HB 514 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Barron	Grizzle	McKnight	Stuart
Carlucci	Henderson	Neal	Thomas
Childers, D.	Hill	Peterson	Tobiassen
Childers, W. D.	Holloway	Scarborough	Trask
Dunn	Jenne	Scott	Vogt
Fechtel	Johnston	Skinner	Ware
Frank	Maxwell	Spicola	Williamson
Gorman	McClain	Steinberg	Winn

Nays—None

Vote after roll call:

Yea—Hair

SB 408—A bill to be entitled An act relating to the West Coast Inland Navigation District; amending section 2, chapter 61-1590, Laws of Florida, as amended; amending sections 3-6, 11, 12, 15, 18, 20(d), (e), chapter 61-1590, Laws of Florida; removing Hillsborough and Pinellas Counties from such district; defining "inland waterway"; authorizing district to act as local sponsor or to participate in certain navigation, beach nourishment, or environmental restoration and enhancement projects; reducing membership of district board from six to four; deleting authority of board to issue bonds; providing certain procedural changes; directing district to obtain and furnish to the state certain right-of-way; limiting the maximum assessable millage; providing conforming language; authorizing district to contract with a private auditor under certain circumstances; repealing section 8, chapter 61-1590, Laws of Florida, relating to the authority of the district to issue bonds; providing an effective date.

—was taken up and read the third time by title.

On motion by Senator Neal, the Senate reconsidered the vote by which SB 408 was read the third time.

On motion by Senator Neal the Senate reconsidered the vote by which Amendments 1 and 2 were adopted. By permission Amendments 1 and 2 were withdrawn.

Senator Neal moved the following amendments which were adopted:

Amendment 3—On page 8, line 11, add a new subsection (g) Insert:

That property owned by the District in Pinellas County consisting of approximately 150 acres commonly known as the Crystal Beach property shall be offered for sale by the District to the Florida Department of Natural Resources and Pinellas County at a price to be determined by independent appraisals but not less than 1.4 million dollars. If the property is sold to either or both such agencies at such price, Hillsborough County and Pinellas County shall each be entitled to the sum of \$200,000 from the sale proceeds.

If the property has not been sold to either such agency by 1 July, 1980, the District may sell the property to any highest and best bidder, either public or private, subject to the same payments to Hillsborough County and Pinellas County states above.

Amendment 4—On page 1 in title, line 17, after the semicolon insert: prohibiting conveyance of certain property owned by the district without specific legislative authority;

On motion by Senator Neal, by two-thirds vote SB 408 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Anderson	Grizzle	Neal	Thomas
Carlucci	Henderson	Peterson	Tobiassen
Chamberlin	Hill	Scarborough	Trask
Childers, D.	Jenne	Scott	Vogt
Dunn	Johnston	Spicola	Ware
Frank	McClain	Steinberg	Williamson
Gorman	McKnight	Stuart	Winn

Nays—None

Votes after roll call:

Yea—W. D. Childers, Hair

Senator Don Childers moved that the Senate reconsider the vote by which SB 1304 as amended passed this day. The motion was adopted. The vote was:

Yeas—16

Anderson	Gorman	Johnston	Trask
Chamberlin	Grizzle	McKnight	Vogt
Childers, D.	Henderson	Scarborough	Ware
Fechtel	Jenne	Thomas	Williamson

Nays—14

Barron	Hill	Poole	Stuart
Childers, W. D.	Holloway	Scott	Winn
Dunn	McClain	Spicola	
Frank	Neal	Steinberg	

SB 1304—A bill to be entitled An act relating to motor vehicle safety inspection; amending s. 20.24(2), Florida Statutes; establishing the Division of Motor Vehicle Safety Inspection in the Department of Highway Safety and Motor Vehicles and the bureaus within said division; amending s. 325.11, Florida Statutes; providing definitions; amending s. 325.12, Florida Statutes, 1978 Supplement; providing for designation by the division of the placement of inspection certificates; amending s. 325.13, Florida Statutes; providing for the expiration of inspection certificates pursuant to a schedule promulgated by the division; amending s. 325.14, Florida Statutes, 1978 Supple-

ment; providing exemption for motor vehicles owned by licensed dealers under certain conditions; amending s. 325.19, Florida Statutes, 1978 Supplement; deleting provisions relating to engine emissions and exhaust system inspection; providing for adjustment of headlights in inspection stations in certain circumstances; creating s. 325.195, Florida Statutes; providing for inspection of metal license plates; amending s. 325.20, Florida Statutes; providing for privately operated inspection stations; amending s. 325.21, Florida Statutes; providing for division designation of self-inspectors; amending s. 325.22, Florida Statutes; providing for supervision of inspection stations by the division; amending s. 325.23, Florida Statutes; authorizing the division to establish certain procedures and rules and regulations; amending s. 325.24, Florida Statutes, 1978 Supplement; providing for the charging of fees by the division; amending s. 325.25, Florida Statutes; providing for submission of a budget by the division; amending s. 325.26, Florida Statutes; authorizing the division to adopt certain rules; amending s. 325.27, Florida Statutes; providing for the operation of inspection stations by counties; amending s. 325.272, Florida Statutes, 1978 Supplement; requiring division approval of inspection station schedules of operation; requiring evening and weekend hours of operation; repealing s. 325.141, Florida Statutes, as created by chapter 78-412, Laws of Florida, which requires registration prior to inspection; providing an effective date.

On motion by Senator Don Childers, the Senate reconsidered the vote by which the Senate concurred in House Amendment 1 to SB 1304.

Senator Williamson moved the following amendment to House Amendment 1 which was adopted:

Amendment 1—On page 14, strike lines 16-18 and insert: Section 14. This act shall take effect July 1, 1979.

On motion by Senator Don Childers, the Senate concurred in the House amendment as amended and the House was requested to concur in the Senate amendment to the House amendment.

SB 1304 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—21

Anderson	Fechtcl	McClain	Ware
Barron	Gorman	Peterson	Williamson
Chamberlin	Grizzle	Poole	Winn
Childers, D.	Jenne	Stuart	
Childers, W. D.	Johnston	Tobiassen	
Dunn	MacKay	Trask	

Nays—7

Frank	Holloway	Neal	Steinberg
Hill	McKnight	Spicola	

On motion by Senator Barron, the rules were waived and by two-thirds vote HB 1297 was withdrawn from the Committee on Judiciary-Civil.

Senator Trask presiding

SB 939—A bill to be entitled An act relating to medicinal drugs; amending s. 500.152, Florida Statutes; authorizing the Board of Pharmacy to adopt rules providing for the distribution and disposition of certain medicinal drugs; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote SB 939 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Anderson	Childers, W. D.	Grizzle	Jenne
Barron	Frank	Henderson	Johnston
Chamberlin	Gorman	Hill	MacKay

McClain	Poole	Stuart	Vogt
McKnight	Scott	Thomas	Ware
Neal	Spicola	Tobiassen	Winn
Peterson	Steinberg	Trask	

Nays—None

Votes after roll call:

Yea—Carlucci, Hair

SB 1226—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091(6)(d), Florida Statutes, 1978 Supplement, adding paragraph (f) to said subsection, and amending subsection (8) of said section; authorizing a retired member to change his first designated joint annuitant after benefits have commenced under certain circumstances; authorizing the designation of more than one joint annuitant by certain members; requiring the Division of Retirement of the Department of Administration to adopt appropriate tables and calculations; authorizing the designation of beneficiaries by a member either sequentially or jointly; providing an effective date.

—was read the second time by title.

Ways and Means Subcommittee E offered the following amendment which was moved by Senator MacKay and adopted:

Amendment 1—On page 2, line 3, strike the words "not terminally ill" and insert: *can show evidence of good health*

On motion by Senator MacKay, by two-thirds vote SB 1226 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Anderson	Grizzle	Neal	Trask
Barron	Henderson	Poole	Vogt
Carlucci	Hill	Scott	Ware
Chamberlin	Jenne	Spicola	Williamson
Childers, D.	Johnston	Steinberg	Winn
Dunn	MacKay	Stuart	
Frank	McClain	Thomas	
Gorman	McKnight	Tobiassen	

Nays—None

Votes after roll call:

Yeas—W. D. Childers, Hair

On motions by Senator Barron, by two-thirds vote House Bills 1814, 1822, 1832, 1824, 1825 and 1830 were placed on the special order calendar following HB 1815.

On motion by Senator Barron, by two-thirds vote CS for HB 109 was placed at the end of the special order calendar.

SB 576—A bill to be entitled An act relating to the Board of Regents; amending s. 243.151(2), Florida Statutes; authorizing the Board of Regents to use certain funds to pay rent to the owner of any income-producing properties leased to the board when the income produced is not sufficient to pay the rent during a payment period; requiring moneys expended from such funds for such payments to be replaced as soon as possible; providing an effective date.

—was read the second time.

The Committee on Education offered the following amendments which were moved by Senator Stuart and failed:

Amendment 1—On page 1, line 23, after the word "fees," insert: pursuant to s. 240.0951, F.S.,

Amendment 2—On page 1, lines 28-29, strike "buildings, improvements, or facilities" and insert: student housing

Amendment 3—On page 1, line 25, strike "building, improvement, or facility" and insert: student housing

Amendment 4—On page 1, line 22, after the words, "of the Regents" insert: , upon recommendation of the respective university president,

Senator Stuart moved the following amendments which were adopted:

Amendment 5—On page 1, strike lines 18-31, and on page 2, strike lines 1-4 and insert: (2) The Board of Regents, upon recommendation of the respective university president, is authorized to enter into lease agreements whereby income-producing buildings, improvements and facilities are leased to the Board of Regents for a period of time specified in such agreement. *The Board of Regents is authorized to use any trust funds, available and not otherwise obligated, for the purpose of paying rent to the owner should income from student housing facilities not be sufficient in any payment period. The trust funds actually used for payment of rent shall be replaced as soon as possible to the extent that income from student housing facilities exceeds the amount necessary for such payment. Trust funds described herein shall be restricted to auxiliary trust funds and such student activity and service fees as established by the Board of Regents and approved by the Legislature pursuant to s. 240.062 and s. 240.0951. However, such lease agreement shall provide that no funds other than rentals of other income produced by such building, improvement, or facility shall be pledged for the payment of rent to the owner thereof.*

Amendment 6—On page 1 in title, strike lines 4-11 and insert: relating to lease agreements with respect to income-producing student housing facilities, to authorize the use of certain trust funds for the payment of rent; providing for replacement; providing an effective date.

Pending further consideration of SB 576 as amended, on motion by Senator Stuart, the rules were waived and by two-thirds vote HB 1147 was withdrawn from the Committee on Education.

On motion by Senator Stuart—

HB 1147—A bill to be entitled An act relating to the Board of Regents; amending s. 243.151(2), Florida Statutes, relating to lease agreements with respect to income-producing student housing facilities, to authorize the use of certain trust funds for payment of rent; providing for replacement; providing an effective date.

—a companion measure, was substituted for SB 576 and read the second time by title. On motion by Senator Stuart, by two-thirds vote HB 1147 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Anderson	Grizzle	Neal	Tobiasen
Barron	Henderson	Poole	Trask
Carlucci	Hill	Scarborough	Vogt
Chamberlin	Jenne	Scott	Ware
Childers, D.	Johnston	Spicola	Williamson
Funn	MacKay	Steinberg	Winn
Frank	McClain	Stuart	
Gorman	McKnight	Thomas	

Nays—None

Votes after roll call:

Yea—W. D. Childers, Hair

SB 576 was laid on the table.

By the Committee on Economic, Community and Consumer Affairs and Senator Steinberg—

CS for CS for SB 717—A bill to be entitled An act relating to condominiums; amending s. 718.104(4)(e), Florida Statutes, 1978 Supplement, providing authority for the conveying of units in a condominium upon the completion of certain improvements; providing clarification with regard to conveying units in a phase; providing for certification of substantial completion by an authorized surveyor and, where appropriate, architect or engineer;

providing that the requirements of substantial completion shall not prohibit the mortgage of a unit prior to such completion; amending s. 718.111(9), Florida Statutes, 1978 Supplement, providing requirements with respect to hazard insurance policies issued to protect condominium buildings; amending s. 718.111(12), Florida Statutes, 1978 Supplement, and s. 718.114, Florida Statutes, relating to the authority and required vote by a condominium association for the exercise of certain of its purchasing powers; adding subsection (13) to s. 718.111, Florida Statutes, 1978 Supplement, requiring the board of administration of a condominium association to make an annual report to unit owners detailing actual expenditures; amending s. 718.112(2)(b), (c), and (k), Florida Statutes, 1978 Supplement, restricting the valid term of proxies by members of condominium associations; providing for the revocation of proxies, providing that notice of certain meetings of the board of administration of a condominium must include described information concerning proposed assessments against unit owners; requiring that the annual budget of common expenses must include reserve accounts for capital expenditures and deferred maintenance; providing a basis for the computation of required reserves; providing exceptions with regard to certain budgets; adding a new subsection (6) to s. 718.202, Florida Statutes, providing for conditions of escrow accounts for reservation deposits by the developer, providing a penalty; adding a new subsection (5) to s. 718.203, Florida Statutes, 1978 Supplement, providing that certain implied warranties inure to the benefit of the unit owner, his successor owners, and the developer; amending s. 718.203(6), Florida Statutes, 1978 Supplement; providing that condominiums may be covered by an insured warranty program and that statutory requirements shall apply to the extent that such program does not meet the statutory requirements; adding a new subsection (2) to s. 718.502, Florida Statutes, providing requirements for filing with the Division of Florida Land Sales and Condominiums of the Department of Business Regulation prior to offering a contract or accepting reservation deposits for a unit and requiring certain disclosure in a reservation agreement; amending s. 718.301(4)(c), Florida Statutes, requiring the developer to provide the board of administration of a condominium association, not more than 60 days after transfer of control from the developer, with an independent audit which includes certain information; adding s. 718.302(1)(e), Florida Statutes; providing an exception to the rights of an association to cancel an agreement entered into by a developer-controlled association, when such agreement is for the use in common by unit owners of vending equipment and meets certain specifications as to terms and conditions; adding a new subsection (2) to s. 718.302, Florida Statutes, providing clarification of existing law with regard to certain provisions relating to the powers and duties of the association or the rights of unit owners; amending s. 718.3025, Florida Statutes, 1978 Supplement, providing certain requirements as to the content of a management or maintenance contract; amending s. 718.401(4), (6)(c), and (8)(a), Florida Statutes, 1978 Supplement, prescribing procedures for condominium associations or unit owners depositing rents in the court registry when they initiate certain actions or interpose certain defenses; prohibiting lessors from holding associations or unit owners in default and from initiating foreclosure and other procedures under certain circumstances; providing an exception with regard to pending litigation; providing a two-thirds vote for certain transactions; prohibiting certain escalation clauses in certain agreements; amending subsection (2) of s. 718.402, Florida Statutes, extending from 120 to 180 days the period of minimum notice to existing tenants of conversion of existing improvements to condominium; providing that any discount to an existing tenant on the purchase price of a condominium parcel in a conversion of existing improvements shall be for a period of not less than 60 days from the date of first offering to such tenant; amending s. 718.501(1), Florida Statutes, 1978 Supplement, providing that the Division of Florida Land Sales and Condominiums may impose civil penalties against any developer or association or their assignees or agents for violations of the Condominium Act or rules relating thereto; providing a maximum penalty; providing a cease and desist order for nonpayment; providing a delay in the effectiveness of an order; providing that any action commenced by the division shall be brought in the judicial circuit in which the division has its executive offices or where the violation has occurred; amending ss. 718.503(2)(n) and 718.504(23)(g), Florida Statutes, 1978 Supplement, extending the requirement of a plot plan to be furnished to a prospective buyer or lessee to condominiums of twenty or fewer residential units; extending the requirement of a floor plan to be furnished to a prospective

buyer or lessee to condominiums of more than twenty residential units; providing an effective date.

—was read the first time by title and CS for SB 717 and SB 717 were laid on the table.

On motion by Senator Steinberg, by two-thirds vote CS for CS for SB 717 was read the second time by title.

Senator Williamson moved the following amendment which failed:

Amendment 1—On page 11, between lines 6 and 7, insert: (1) The fidelity bonding of all officers or directors of any association existing on or after October 1, 1978, who control or disburse funds of the association. The association shall bear the cost of bonding. *The bond shall be in an amount equal to 25% of the proposed annual budget of common expenses as described in paragraph (k), or an amount agreed upon by a majority of unit owners at the annual meeting.* This paragraph shall not apply to associations operating a condominium consisting of 50 units or less; however, any condominium association may bond any officer of the association, and said association shall bear the cost of bonding.

The President presiding

On motion by Senator Steinberg, by two-thirds vote CS for CS for SB 717 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Anderson	Frank	McClain	Stuart
Barron	Gorman	McKnight	Thomas
Carlucci	Grizzle	Myers	Trask
Chamberlin	Henderson	Neal	Vogt
Childers, D.	Hill	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Williamson
Dunn	Johnston	Spicola	Winn
Fechtel	MacKay	Steinberg	

Nays—None

On motion by Senator Trask, by unanimous consent—

CS for HB 4—A bill to be entitled An act relating to tax exemption; creating s. 196.1965, Florida Statutes; specifying additional criteria under which certain structures owned by bona fide civic organizations shall be considered to serve a charitable purpose and be exempt from ad valorem taxation; providing an effective date.

—was taken up and read the second time by title. On motion by Senator Trask, by two-thirds vote CS for HB 4 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Frank	McClain	Thomas
Anderson	Gordon	McKnight	Tobiasen
Barron	Gorman	Myers	Trask
Chamberlin	Grizzle	Neal	Vogt
Childers, D.	Henderson	Scott	Ware
Childers, W. D.	Hill	Spicola	Williamson
Dunn	Jenne	Steinberg	Winn
Fechtel	Johnston	Stuart	

Nays—None

SB 208—A bill to be entitled An act relating to the tax on sales, use, and other transactions; adding subsection (19) to s. 212.02, Florida Statutes, 1978 Supplement; defining "solar energy system"; renumbering s. 212.08(11), Florida Statutes, 1978 Supplement, and adding a new subsection (11) to said section; exempting the sale, rental, use, consumption, distribution, or storage of solar energy systems and components thereof from said tax; providing for repeal of such exemption; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 208 was read the third time

by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gordon	McKnight	Tobiasen
Anderson	Gorman	Myers	Trask
Barron	Grizzle	Neal	Vogt
Chamberlin	Henderson	Scarborough	Ware
Childers, D.	Hill	Scott	Williamson
Childers, W. D.	Jenne	Spicola	Winn
Dunn	Johnston	Steinberg	
Fechtel	MacKay	Stuart	
Frank	McClain	Thomas	

Nays—None

On motion by Senator Barron, time of adjournment was extended until completion of the local bill calendar.

On motion by Senator Ware, the rules were waived and House Bills 812 and 910 were withdrawn from the Committee on Rules and Calendar and added to the end of the local bill calendar.

On motion by Senator Neal, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed HB 1512 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Shackelford and others—

HB 1512—A bill to be entitled An act relating to the West Coast Inland Navigation District; amending section 2, chapter 61-1590, Laws of Florida, as amended; amending sections 3-6, 11, 12, 15, 18, 20(d), (e), chapter 61-1590, Laws of Florida; removing Hillsborough and Pinellas Counties from such district; defining "inland waterway"; authorizing district to act as local sponsor or to participate in certain navigation, beach nourishment, or environmental restoration and enhancement projects; reducing membership of district board from six to four; deleting authority of board to issue bonds; providing certain procedural changes; directing district to obtain and furnish to the state certain right-of-way; limiting the maximum assessable millage; providing conforming language; authorizing district to contract with a private auditor under certain circumstances; repealing section 8, chapter 61-1590, Laws of Florida, relating to the authority of the district to issue bonds; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Neal, the rules were waived and by two-thirds vote HB 1512 was withdrawn from the Committee on Rules and Calendar and placed at the end of the local bill calendar.

LOCAL BILL CALENDAR

HB 428—A bill to be entitled An act relating to Gulf County; repealing chapter 71-655, Laws of Florida, which provides that the limitation as to number of alcoholic beverage licenses provided by s. 561.20(1), Florida Statutes, shall not prohibit the issuance of such licenses to bona fide restaurants in said county fulfilling certain requirements; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 428 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Neal	Thomas
Chamberlin	Henderson	Peterson	Tobiasen
Childers, D.	Hill	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtel	MacKay	Skinner	Winn

Nays—1

Trask

HB 591—A bill to be entitled An act relating to Charlotte County; amending sections 2, 3, and 6 of chapter 27450, Laws of Florida, 1951, excepting hand cast nets from the prohibition against fishing for commercial purposes in Alligator Creek (Allapatchee River) in Charlotte County; providing an effective date.

—was read the second time by title.

Senator Neal moved the following amendments which were adopted:

Amendment 1—On page 2 strike all of line 3 and insert: Section 2 of chapter 61-1590, Laws of Florida, as amended by chapter 77-494, Laws of Florida, is amended to read:

Section 2. The counties of Lee, Charlotte, Sarasota, and Manatee, Hillsborough and Pinellas, be and the same are hereby created into and incorporated, for the purposes of this Act, into a special tax district of the State of Florida known as the "West Coast Inland Navigation District," hereinafter referred to as the District. Such District shall function and operate by and through its Board of Commissioners, hereinafter referred to as the District. ~~The Board of county commissioners of any member county may, by resolution, withdraw from the West Coast Inland Navigation District. Any such county shall continue to be taxed to the extent of the tax levy attributable to retirement of such contractual obligations as exists on the date of its withdrawal from the West Coast Inland Navigation District.~~

Sections 3, 4, 5, 6, 11, 12, 15, and 18 of Chapter 61-1590, Laws of Florida, are amended to read:

Section 3. (a) It is the purpose and intent of this Act that the Board of said District do and perform all things requisite, necessary, or desirable to comply with the requirements and conditions imposed upon "local interests", by the Congress of the United States of America, in its River and Harbor Act approved March 2, 1945, as said Act has been and may be from time to time amended, authorizing the improvement and construction, under the direction of the Secretary of the Army, and supervision of the Chief of Engineers, of an inland waterway from the Caloosahatchee River, Florida, to the Anclote River, Florida, in accordance with report submitted by letter of Secretary of War, dated June 22, 1939, Document No. 371, House of Representatives, 76th Congress, 1st Session entitled "Intracoastal Waterway from Caloosahatchee River to Withlacoochee River, Florida", and all reports subsequent thereto relating to any change, modification or expansion of said initial report. In order that said Secretary of the Army and Chief of Engineers may accomplish the work of improvement, adopted and authorized by said act of Congress as the same may from time to time be amended, said Board of said District is authorized to obtain by donation, purchase or condemnation and convey without cost to the United States, the necessary rights of way for said project together with suitable areas for the deposit of spoil material in connection with the work and its subsequent maintenance, all as contemplated and required by the Congress of the United States, and those acting by its authority. Nothing herein contained shall be construed to prohibit said Board from expending such sums of money as in its discretion may be deemed proper for any purpose authorized, contemplated or required to carry out any the work authorized by any acts of Congress.

(b) The term "inland waterway" includes any body of water connected with the inland waterway as designated by

the Federal River and Harbor Act of 1945, and any other body of water which the board finds makes a significant contribution or has the potential to make a significant contribution to waterway traffic or waterborne commerce in the area served.

(c) The District may act as a local interest sponsor for any so-called "Section 107, River and Harbor Act of 1960," project authorized and undertaken by the U.S. Army Corps of Engineers, and in this regard may comply with any or all conditions imposed on local interests as part of such project.

(d) The District may act as a local sponsor of any beach nourishment project with the District approved and undertaken by the U.S. Army Corps of Engineers or Florida Department of Natural Resources, provided the Board of Commissioners of the District shall first have found that such project, by the dredging of the beach nourishment material, or otherwise, is a benefit to public navigation in the District.

(e) The District may furnish assistance and support to member counties in planning and carrying out public navigation projects of a purely local nature. Such assistance and support if financial in nature, shall be granted only after a finding by the Board that such project does contribute to public navigation in the area in which it is located.

(f) The District is authorized to participate with any local, state, or federal agencies in research, study or test programs as to the impact, both physical and biological, of waterway construction, maintenance and operation, including but not limited to erosion, accretion, and marine and shoreline vegetation.

(g) The District is authorized to assume sponsorship, or to act with other agencies, in environmental restoration and enhancement projects, seeking to protect, restore, and enhance water quality, aquatic habitat, and other marine oriented conservation and environmental values in the navigable waters in the District. Such activities may include studies and work to restore damage to the aquatic environment caused by construction or maintenance of navigation channels, harbors, or similar works.

Section 4. A governing body of said District is hereby created and shall be known as the "Board of Commissioners of West Coast Inland Navigation District", and shall be composed of ~~four~~ ~~six~~ (6) members who shall be qualified electors residing in said District, each of whom shall respectively be a member of the Board of County Commissioners of the County incorporated in the District he represents on said Board, and selected in each instance by the several County Boards from the membership thereof. Said Board shall have all the powers of a body corporate, including the power to sue and be sued as a corporation in its name; to make contracts; to adopt and use a common seal and to alter the same; to buy, acquire by eminent domain, sell, own, lease and convey such real estate or interest therein, and personal property as said Board may deem proper to carry out the provisions of this Act; to appoint and employ such engineers, attorneys, agents and employees as said Board may require; to borrow money and issue negotiable promissory notes, bonds and other evidences of indebtedness therefor to enable it to carry out the provisions of this act, and generally to do and perform all things necessary to accomplish the purposes of this Act.

Section 5. (a) The elected officers of said Board shall be: Chairman, Vice-chairman, Secretary, and Treasurer; provided, however, that no one person shall hold more than one such office at the same time. Said officers shall be elected annually from said Board by the members thereof. ~~Three~~ ~~Four~~ members of the Board shall constitute a quorum. The affirmative vote of ~~three~~ ~~four~~ members shall be necessary to the transaction of business. The Chairman shall have the right to vote. Special meetings may be called at any time by the Chairman or any other ~~two~~ ~~four~~ Commissioners. *Each member county may, in addition to its designated commission member, designate an alternate commission member who shall be authorized to attend all board meetings and other District-approved activities and participate in board deliberations, but who shall not be authorized to vote except in case of the absence of the designated member.*

(b) The Board may from time to time provide for the office of Executive Director and when such office is provided for may employ some qualified person to act in such capacity, and by resolution shall define the term and duties of such

office. The Executive Director when so appointed shall be the Assistant Secretary of the Board and as such shall be the official custodian of the minute books, records, maps, seal, and other properties and records of the District. Such officer shall be authorized to affix the official seal of the District to its legal documents and to certify copies of any official proceedings of the District.

(c) The District is authorized to pay all reasonable expenses incurred by its Board members or *designated alternate members* in the fulfillment of their duties as members of the Board, but no member of said Board or *designated alternate member* shall receive any compensation beyond reimbursement for reasonable expenses.

Section 6. (a) The District shall obtain by gift, donation, purchase or condemnation and shall furnish to the United States or to the state all required right-of-way as the said Board shall determine necessary pursuant to requirements of the United States for constructing and maintaining said inland waterway for the route of construction of said inland waterway as designated and requested from time to time by the Corps of Engineers, U.S. Army, or other proper state or federal agency.

(b) The District shall acquire by gift, donation, purchase or condemnation, and shall furnish to the United States required areas for the deposit of spoil material in connection with the work of improving, constructing and maintaining the aforementioned waterway as requested from time to time by the Corps of Engineers, U.S. Army, or other proper federal agency.

(c) The District shall obtain by gift, donation, purchase or condemnation and shall furnish to the United States, any property, property rights, easement and interest in property, outside of said right of way and designated spoil areas that may be necessary for the construction, maintenance and operation of said canal to be constructed and maintained within said right of way by the United States.

(d) The District is authorized to acquire and obtain by gift, donation, purchase or condemnation and to transfer to the United States such lands, easements, rights of way and spoil disposal areas as may be required to effectuate the purpose and intent of all acts of the United States Congress as heretofore, or hereafter, enacted for the further improvement of said intracoastal waterway with a view to providing a project depth of twelve feet, more or less, referred to the plane of local mean low water, and a width appropriate to said depth and such other improvements as may be authorized and adopted by the Congress, from time to time, and in connection with the subsequent maintenance of said waterway, as so improved.

(e) The District is authorized to contract for the purchase of any property acquired by it and to pay the purchase price therefor in installments or deferred payments upon such terms as the Board shall determine; said contract may provide for payment of interest not to exceed six percent (6%) per annum upon deferred payments.

(f) The funds to be used for the purchase of right of way, spoil areas and other property shall be obtained by said Board either from a tax levy or levies as hereinafter provided, or borrowed upon its obligations as herein provided.

Section 11. The district may annually assess and levy against the taxable property in the District a tax not to exceed ~~0.2 one-half (1/2)~~ mill on the dollar of assessed valuation for each year, and the proceeds from such tax shall be used by said Board for all expenses of the District including the purchase of right of way and other property, and any other purpose authorized by this or any other law.

Section 12. (a) The Board shall, on or before the 1st day of July of each year, by resolution, determine the millage to be levied as taxes for that year upon the taxable property in the District for the purposes of said District. Certified copies of such resolution executed in the name of the Board by its Chairman, and attested under its corporate seal, shall be made and delivered to the Board of County Commissioners of each County in said District and to the State Comptroller; thereupon, it shall be the duty of each said Board of County Commissioners to order the *Property Appraiser Tax Assessor* of each of said counties to assess, and the Collector of each of said counties to collect, a tax at the rate fixed by said resolution of said Board of said District upon all the real and personal property in said counties for said year and such officers shall

perform such duty and said levy shall be included in the warrant of the *Property Appraiser Tax Assessor* of each of said counties and attached to the assessment roll of taxes for each of said counties. The Tax Collector of each of said counties shall collect such taxes so levied by said Board of said District in the same manner as other taxes, and shall pay the same in the manner prescribed by law, to the Treasurer of the District. It shall be the duty of the State Comptroller to assess and levy on all railroads and telegraph property in the District a tax at the rate prescribed by said resolution of the District, and to collect the said tax thereon in the same manner as he is required by law to assess and collect taxes for County purposes and to remit same to the Treasurer of the District. All such taxes shall be held by the Treasurer of the District for the credit of the District and paid out by him as herein provided. The *Property Appraiser Tax Assessor* and Tax Collector of each of said counties shall be entitled to receive his fee which shall be computed at the same rate as for taxing districts as provided by general law upon the amount of taxes assessed on behalf of the District in said county and said fee shall be allowed and paid him by the Treasurer of the District.

(b) The *Property Appraiser Tax Assessor*, Tax Collector and Board of County Commissioners of each County in the District, shall, when requested by the Board prepare from their official records and deliver any information that may be requested from him or them by said Board of said District regarding the tax valuation, assessments, collection, and other information regarding the levy, assessment and collection of taxes in each such county.

~~(c) The taxation right and power of the District and the counties therein, for the purposes of this Act, shall cease on July 1, 1960, provided that sufficient taxation, not to exceed .2 (two-tenths) mill may continue to be levied hereunder for the purpose of servicing any bonds that may have been issued hereunder and to pay the continuing administrative cost and expense of operating the District and carrying out its duties.~~

Section 15. (a) In order to carry out the purpose and intent of any laws that heretofore have been, or hereafter may be enacted by the United States Congress authorizing and directing the Secretary of the Army to make examinations, surveys, and studies of the intracoastal waterway from Caloosahatchee River to Anclote Key, Florida, or other Florida West Coast Waterways, the District is authorized to collect, compile and to furnish to the Secretary of the Army, his officers and agents, appropriate information bearing on the advantages, benefits and increased usefulness that may be expected to accrue to the public and to the counties traversed by said waterway by reason of any improvement or extension thereof, that has previously been or may subsequently be authorized by said United States Congress.

(b) The District is authorized to expend its funds for publicizing to other governmental agencies the completion by the United States of all or any portion of the intracoastal waterway and related waterways and its availability and utility to water craft, and to distribute information as to route, channel, depth and facilities ~~utility~~ of said waterway and such other information and data as may, in the opinion of the Board be desirable or useful to give the public full information regarding said waterway and to promote its use in navigation.

Section 18. No franchise or other privilege pertaining to leasing, buying, building, operation, or otherwise dealing with any business or establishment relating to food, lodging, beverages, fuel, supplies or other services to people or waterborne vehicles and located on any property owned by or in any way ~~under the control~~ of the District, shall be granted or contracted for unless the same shall have first been advertised for bids in each of the counties in the district. Such advertisement shall appear in a newspaper of general circulation located and published in the county in which such property is located ~~said respective counties~~ and shall appear one time at least thirty (30) days prior to the date set to hear and receive proposals upon such franchise or other similar privilege.

Section . Subsections (d) and (e) of section 20 of chapter 61.1590, Laws of Florida, are amended to read:

Section 20.

(d) The District is authorized to enter into agreements with the *Department of Transportation State Road Department*, the Board of County Commissioners of any county in the District, or both, or any other person, corporation or agency, federal,

state or local, public or private in connection with financing, alteration, and construction of any bridge structure or bridge approach or roadway or other structure in connection therewith and said parties are hereby specifically authorized to enter into such agreements with each other respecting responsibility for acquisition of right of way, for construction and maintenance of any bridge structure and approach required to be provided or modified because of the construction of the intracoastal waterway.

(e) The accounts of the District shall be audited annually by the State Auditor, who shall be paid his usual fee by the District for such audit and report. *If the state auditor is unable to perform an annual audit, the District may contract with a private auditor for such services.*

Section . Section 8 of chapter 61-1590, Laws of Florida, is hereby repealed.

Section . This act shall take effect October 1, 1979.

Amendment 2—On page 1 in title, line 7, after the semicolon insert: amending section 2, chapter 61-1590, Laws of Florida, as amended; amending sections 3-6, 11, 12, 15, 18, 20 (d), (e), chapter 61-1590, Laws of Florida; confirming the membership of the counties of Manatee, Sarasota, Charlotte and Lee in the district; defining "inland waterway"; authorizing district to act as local sponsor or to participate in certain navigation and beach nourishment projects; reducing membership of district board from six to four; repealing authority of district to issue bonds; providing certain procedural changes; directing district to obtain and furnish to the state certain right-of-way; limiting the maximum accessible millage; providing conforming language; authorizing district to contract with a private auditor under certain circumstances; repealing section 8, chapter 61-1590, Laws of Florida, relating to the authority of the district to issue bonds;

On motion by Senator Henderson, by two-thirds vote HB 591 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

CS for HB 595—A bill to be entitled An act relating to Lee County; amending sections 3(2) and (3), 5, 9, and 24 of chapter 67-1630, Laws of Florida, and section 13 of chapter 67-1630, Laws of Florida, as amended, relating to the Lee County mosquito control district; providing an effective date.

—was read the second time by title. On motion by Senator Don Childers, by two-thirds vote CS for HB 595 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 597—A bill to be entitled An act relating to Lee County; amending chapter 63-1554, Laws of Florida, relating to fishing

in Lee County; prohibiting net fishing within a 1 mile radius of Pine Island bridge or within canal opening in said radius in Lee County; redesignating said bridge; providing an effective date.

—was read the second time by title. On motion by Senator Don Childers, by two-thirds vote HB 597 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 599—A bill to be entitled An act relating to Lee County; amending sections 1, 3, 5, 11, 14 and 17 of chapter 67-1629, Laws of Florida, as amended; providing for aquatic weed control; modifying certain powers of the board of county commissioners; requiring that certain fees be paid to the property appraiser and tax collector in accordance with law; providing an effective date.

—was read the second time by title. On motion by Senator Don Childers, by two-thirds vote HB 599 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 694—A bill to be entitled An act relating to Indian River County; restricting the harvesting of oysters from public or private land within 75 feet of the shoreline of the Indian River or from any canal in Indian River County; providing a penalty; providing an effective date.

—was read the second time by title. On motion by Senator Don Childers, by two-thirds vote HB 694 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 933—A bill to be entitled An act relating to Citrus County; authorizing the Board of County Commissioners of Citrus County to expend county funds in an amount not to exceed the proceeds of three-eighths of a mill on all property of said county for community project purposes; defining community project purposes; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 933 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1040—A bill to be entitled An act relating to the City of Jacksonville; providing for certain sick leave benefits for the employees of the City of Jacksonville; providing for retroactive compensation pursuant to s. 215.425, Florida Statutes; allowing certain benefits for employees of the former county government of Duval County; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 1040 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1041—A bill to be entitled An act relating to the City of Jacksonville; authorizing the Council of the City of Jacksonville to conduct a special sunset review of the Jacksonville Area Planning Board and the Downtown Development Authority; providing for matters relative thereto; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 1041 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1042—A bill to be entitled An act relating to Duval County; amending section 9 of chapter 63-1305, Laws of Florida, as amended, to increase the amount of bonds that may be issued by the Duval county hospital authority from \$20 million to \$40 million and to make other procedural changes therein; amending sections 12 and 13 of chapter 63-1305, Laws of Florida, to remove references to "freeholders" in bond elections; repealing section 15 of chapter 63-1305, Laws of Florida, as amended relating to tax levies for bond debt service; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 1042 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Chamberlin	Fechtcl	Hair
Anderson	Childers, D.	Frank	Henderson
Barron	Childers, W. D.	Gorman	Hill
Carlucci	Dunn	Grizzle	Jenne

Johnston	Peterson	Steinberg	Ware
MacKay	Poole	Stuart	Williamson
Maxwell	Scarborough	Thomas	Winn
McClain	Scott	Tobiassen	
McKnight	Skinner	Trask	
Neal	Spicola	Vogt	

Nays—None

HB 1043—A bill to be entitled An act relating to Duval County; authorizing retirees under pension funds of the Consolidated City of Jacksonville to work as poll workers without losing benefits; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 1043 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1044—A bill to be entitled An act relating to the Jacksonville Port Authority; amending section 15 (a) and (b) of chapter 63-1447, Laws of Florida, as amended, providing an increase in the maximum amount of funds expendable prior to public bidding; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 1044 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1118—A bill to be entitled An act relating to the City of Pensacola, Escambia County, Florida; relating to police jurisdiction on property owned, leased by or otherwise controlled by the City of Pensacola which property is located outside of the City limits of the City of Pensacola but within the corporate limits of Escambia County, granting additional arrest powers to duly constituted law enforcement officers of the City of Pensacola; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1118 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1119—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending section 1 of chapter 23474, Laws of Florida, 1945, relating to the City Planning Board of the City of Pensacola, amending the method for selecting the composition of the Board members; clarifying residency requirements for Board members; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1119 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1120—A bill to be entitled An act relating to Escambia County; amending sections 3(a), 5, and 9(a) of chapter 61-2655, Laws of Florida, as amended by chapter 65-2090, Laws of Florida, and chapter 78-589, Laws of Florida; relating to the pension system of the City of Pensacola, increasing the age that a City employee may become a member of the general pension system from under the age of 65 years to under the age of 70 years; increasing the mandatory retirement age from 65 years to 70 years; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1120 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1135—A bill to be entitled An act relating to the City of Crestview, Okaloosa County; providing for the annexation of specifically described land to the city; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1135 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1155—A bill to be entitled An act relating to Palm Beach County; amending sections 6 and 7 of chapter 75-473, Laws of Florida, as amended, relating to the countywide Solid Waste

Authority; providing definitions; providing purposes and powers; providing an effective date.

—was read the second time by title. On motion by Senator Don Childers, by two-thirds vote HB 1155 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1156—A bill to be entitled An act relating to Palm Beach County; providing that the Acme Improvement District created by chapter 28557, Laws of Florida, 1953, shall have the power to implement the User Charge and Industrial Cost Recovery provisions of Public Law 92-500; providing that the district shall have the power and authority to participate in the programs authorized by said Public Law 92-500 as such programs apply to the district; providing an effective date.

—was read the second time by title. On motion by Senator Don Childers, by two-thirds vote HB 1156 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1157—A bill to be entitled An act relating to Palm Beach Junior College, Palm Beach County, Florida; providing for up to an annual one-half (½) mill tax levy in Palm Beach County, Florida; providing for a referendum election; providing that the proceeds of said tax levy shall not reduce state funding for Palm Beach Junior College; providing for an effective date.

—was read the second time by title. On motion by Senator Don Childers, by two-thirds vote HB 1157 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1164—A bill to be entitled An act relating to Palm Beach County; amending Section 1 of Chapter 74-565, Laws of Florida, as amended by Chapters 75-467 and 77-623, Laws of Florida; to adopt the National Electrical Code, 1978 Edition, amending Section 10 of Chapter 74-565, Laws of Florida, to

provide a staggered term of office and removal of board members for excessive absence from board meetings; adding a new Section 11 to Chapter 74-565, Laws of Florida, to provide a procedure for product approval and for collection and disposition of fees in connection therewith; amending and renumbering present Section 11 of Chapter 74-565, Laws of Florida; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Don Childers, by two-thirds vote HB 1164 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtel	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1168—A bill to be entitled An act relating to the city of Jacksonville; amending section 19.05(16) of chapter 67-1320, Laws of Florida, as amended, to exempt the Coordinator of the Duval County State Legislative Delegation from the civil service provisions of article 19 of chapter 67-1320, Laws of Florida, as amended; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 1168 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtel	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1182—A bill to be entitled An act relating to the City of Tampa; providing for eligibility of certain named employees of the city owned Transit System of the City of Tampa, Florida, to receive past service credits in the general employees pension fund created by Chapter 23559 of the Special Acts of 1945, as amended; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote HB 1182 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtel	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1184—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending sections 3, 5, and 7 of

chapter 23559, Laws of Florida, 1945, as amended, relating to the general employees pension fund providing for retirement benefits after ten years of continuous service with the City; defining the term "salaries" as used in the act; providing for creditable service for approved union leaves of absence; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote HB 1184 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtel	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1233—A bill to be entitled An act relating to Manatee County; creating a special park and recreation district, a political subdivision of the State of Florida, for the unincorporated area known as Bayshore Gardens Subdivisions, including all additions, as is more particularly set forth below according to the public records of Manatee County, Florida; providing for the administration of the affairs of said district by a board of nine trustees and defining their powers and duties; providing for the first election of trustees and for election of trustees thereafter; providing for removal of trustees and appointment to fill vacancies; providing for the assessment and collection of a recreation district special assessment against each improved residential parcel of real property within the district; providing that such district assessment shall be a lien against each parcel of land so assessed and for the method of collecting such assessment; providing for the deposit and disbursement of funds of the district; establishing a fiscal year and providing for publication of annual financial statements; authorizing the trustees of the district to acquire and dispose of real and personal property for the general purposes of the district; authorizing the trustees of the district to promulgate rules and regulations for the use of facilities of the district; providing for the abolishment of the district; providing conditions precedent to the filing of suit against the district or any of the trustees thereof; providing severability; providing for a referendum.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote HB 1233 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtel	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1246—A bill to be entitled An act relating to Monroe County; amending section 3 of chapter 76-439, Laws of Florida, as amended, by excepting employees of elected officials from the provisions of said act; providing that all laws, whether general or special, in conflict herewith are superseded; providing an effective date.

—was read the second time by title. On motion by Senator McKnight, by two-thirds vote HB 1246 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1392—A bill to be entitled An act relating to Palm Beach County; amending Section 17, West Palm Beach Firemen Pension Fund, subsection (5), Service Pension, and subsection (6), Non-Duty Disability Pension of Chapter 24981, Laws of Florida, 1947, as amended by Chapter 26308, Laws of Florida, 1949, Chapter 27978, Laws of Florida, 1951, said sections being renumbered as sections 16 and 17, Chapter 31368, Laws of Florida, 1955, Chapter 59-1981, Laws of Florida, Chapter 65-2382, Laws of Florida, Chapter 67-2173, Laws of Florida, Chapter 69-1430, Laws of Florida, Chapter 73-656, Laws of Florida, Chapter 76-503, Laws of Florida, chapter 77-665, Laws of Florida; providing severability; repealing all laws in conflict herewith; providing an effective date.

—was read the second time by title. On motion by Senator Don Childers, by two-thirds vote HB 1392 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1418—A bill to be entitled An act relating to Santa Rosa County; repealing chapter 27881, Laws of Florida, 1951, as amended, and chapter 61-2799, Laws of Florida; abolishing the Santa Rosa County Beach Administration and transferring the powers, duties, assets, liabilities, and obligations of said Administration to the Board of County Commissioners of Santa Rosa County; providing an effective date.

—was read the second time by title. On motion by Senator Tobiasen, by two-thirds vote HB 1418 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1452—A bill to be entitled An act relating to Jackson County; amending paragraph (c) of the second unnumbered subsection of section 6 of chapter 61-2290, Laws of Florida, providing for the appointment of the board of trustees of the

Campbellton-Graceville Hospital Corporation by the county commissioners, rather than the Governor; permitting existing members to fulfill their terms; providing for a referendum.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 1452 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1498—A bill to be entitled An act relating to the Cities of Fort Lauderdale and Oakland Park, Broward County; contracting the corporate limits of the City of Fort Lauderdale; extending and enlarging the corporate limits of the City of Oakland Park; apportioning the existing indebtedness with respect to such property; prescribing the liability of the property for municipal taxes; apportioning municipal taxes due on the property; providing for the preservation of contractual rights; providing for zoning in the territory embraced in the extension; providing an effective date.

—was read the second time by title. On motion by Senator Poole, by two-thirds vote HB 1498 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1499—A bill to be entitled An act relating to the City of Fort Lauderdale, Broward County; extending and enlarging the corporate limits of the City; providing for the assumption of duties, powers, and responsibilities over the annexed territory; providing an effective date.

—was read the second time by title. On motion by Senator Poole, by two-thirds vote HB 1499 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1500—A bill to be entitled An act relating to the City of Hallandale, Broward County; amending section 5 of chapter

78-516, Laws of Florida, providing clarifying language with respect to the effective date of chapter 78-516, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Poole, by two-thirds vote HB 1500 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1501—A bill to be entitled An act relating to the Central Broward Drainage District, Broward County; amending section 4k. of chapter 61-1439, Laws of Florida, as amended by chapter 70-479, Laws of Florida, changing the date for installation of elected commissioners; amending section 5 of chapter 61-1439, Laws of Florida, as amended by chapter 65-1006, Laws of Florida, providing that the primary election and general election shall be held on the same day as the primary election and general election for Broward County respectively; providing that the election shall be held in accordance with the Florida Election Code as amended by chapter 77-175, Laws of Florida; reducing the residency requirement of eligible candidates for Board of Commissioners from six months to thirty days; and deleting provisions regarding freeholder elections; amending section 4h. of chapter 61-1439, Laws of Florida, as amended by chapter 70-479, Laws of Florida, increasing the allowable compensation and reimbursement of expenses for commissioners; amending section 4i. of chapter 61-1439, Laws of Florida, as amended by chapter 70-479, Laws of Florida, providing for the discretionary withholding of compensation for absences rather than mandatory withholding; amending section 9 of chapter 61-1439, Laws of Florida, removing the limitation on the salary of the secretary of the district; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

—was read the second time by title. On motion by Senator Poole, by two-thirds vote HB 1501 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1517—A bill to be entitled An act relating to the Polk County Industrial Development Authority; amending Section 2 of chapter 69-1510, Laws of Florida, to provide for removal of members; adding Section 9A to chapter 69-1510, Laws of Florida, to provide for the alteration or change, of the structure, organization, programs, activities, or existence of the Authority; amending Section 11 of chapter 69-1510, Laws of Florida, to authorize the Authority to utilize the privileges, benefits and powers of an industrial development authority created pursuant to Part III of chapter 159, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 1517 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

Consideration of HB 1518 was deferred.

HB 1521—A bill to be entitled An act relating to Franklin County; amending section 1 of chapter 72-546, Laws of Florida, providing for an area closed to shrimping in the Carrabelle River; and in Ochlockonee Bay in Franklin County; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 1521 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1526—A bill to be entitled An act relating to Nassau County; amending Section 1 of chapter 26046, Laws of Florida, 1949, as amended, to rename Humphreys Memorial Hospital as the Nassau General Hospital; providing an effective date.

—was read the second time by title. On motion by Senator MacKay, by two-thirds vote HB 1526 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1536—A bill to be entitled An act relating to Escambia County; authorizing the use of credit, credit cards and professional collection services for the payment and collection of county fees and service charges; authorizing a service charge; authorizing a delinquent payment charge; providing an effective date.

—was read the second time by title. On motion by Senator Tobiasen, by two-thirds vote HB 1536 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Carlucci	Childers, W. D.	Frank
Anderson	Chamberlin	Dunn	Gorman
Barron	Childers, D.	Fechtcl	Grizzle

Hair	McClain	Skinner	Vogt
Henderson	McKnight	Spicola	Ware
Hill	Neal	Steinberg	Williamson
Jenne	Peterson	Stuart	Winn
Johnston	Poole	Thomas	
MacKay	Scarborough	Tobiasen	
Maxwell	Scott	Trask	

Nays—None

HB 1537—A bill to be entitled An act relating to Escambia County; providing that certain conditions constitute nuisances; providing a procedure for the abatement of nuisances upon real property in the county; authorizing the removal of such nuisances upon failure of the owner, agent, custodian, or occupant to do so; providing that the costs of such removal shall constitute a lien on the property; providing a procedure for the collection of such liens; providing that violations of this act shall constitute a misdemeanor; providing an effective date.

—was read the second time by title. On motion by Senator Tobiasen, by two-thirds vote HB 1537 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1539—A bill to be entitled An act relating to Escambia County land use regulations; amending sections 4 and 5 of chapter 65-1513, Laws of Florida, as amended; providing that notice shall be published thirty (30) days prior to holding a public hearing to consider adoption or amendment of regulations relating to the territory covered by the act; providing that written notice shall be given when private property is rezoned; invalidating inconsistent regulations adopted prior to the effective date of this act; providing an effective date.

—was read the second time by title. On motion by Senator Tobiasen, by two-thirds vote HB 1539 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1540—A bill to be entitled An Act relating to Escambia County; amending section 3(a) of chapter 24500, Laws of Florida, 1947, as amended, empowering the board of county commissioners of the county to veto actions taken by the Santa Rosa Island Authority; providing an effective date.

—was read the second time by title. On motion by Senator Tobiasen, by two-thirds vote HB 1540 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1656—A Bill to be entitled An act relating to the City of Oakland Park, Broward County, Florida; extending and enlarging the corporate limits of the City of Oakland Park by including previously unincorporated lands into said corporate limits; providing for an effective date.

—was read the second time by title. On motion by Senator Poole, by two-thirds vote HB 1656 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1657—A bill to be entitled An act relating to Broward County; authorizing the acquisition, construction, erection, building, enlarging, improving, furnishing, and equipping of schools and school buildings including warehouse, maintenance, board and administrative facilities of The District School Board of Broward County; authorizing the issuance of certificates of indebtedness payable from race track funds accruing annually to Broward County, and allocated to the School Board to pay the cost of such projects; providing an effective date.

—was read the second time by title. On motion by Senator Poole, by two-thirds vote HB 1657 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1705—A bill to be entitled An act relating to Gulf County; regulating the taking of bay scallops; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 1705 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtel	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1706—A bill to be entitled An act relating to Gulf County; making it lawful to use nets with a stretched mesh of 1 5/8 inches or larger for the taking of shrimp in Gulf County; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 1706 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtel	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1722—A bill to be entitled An act relating to Okaloosa County, Ocean City-Wright Fire Control District; amending subsection (1) of section 9 of chapter 78-570, Laws of Florida; providing that the board of commissioners of the fire control district shall have the authority to levy ad valorem taxes against the taxable real estate in the district to provide funds for the purposes of the district in an amount not to exceed two (2) mills; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Tobiasen, by two-thirds vote HB 1722 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtel	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1802—A bill to be entitled An act relating to the Dog Island Conservation District, Franklin County; amending sections 4(10) and 5(3) of chapter 75-374, Laws of Florida, to expand the boundaries of the district; limiting the levying of ad valorem taxation to platted lands; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 1802 was read the third time by title, passed and certified to the House. The vote on passage was:

Mr. President	Carlucci	Childers, W. D.	Frank
Anderson	Chamberlin	Dunn	Gorman
Barron	Childers, D.	Fechtel	Grizzle

Yeas—37

Hair	McClain	Skinner	Vogt
Henderson	McKnight	Spicola	Ware
Hill	Neal	Steinberg	Williamson
Jenne	Peterson	Stuart	Winn
Johnston	Poole	Thomas	
MacKay	Scarborough	Tobiasen	
Maxwell	Scott	Trask	

Nays—None

HB 1818—A bill to be entitled An act relating to Gulf County; creating, establishing, and organizing a fire control district in said county to be known and designated as the Howard Creek Fire Control District; defining its territorial boundaries; providing for a board of fire commissioners; providing for government, administration, jurisdiction, powers, and privileges of said district; authorizing the Howard Creek Fire District commissioners under certain conditions to purchase, operate and maintain fire control machinery and equipment; providing for the operation and use of said equipment; providing for the cooperation of the district with other fire control units adjacent to said district; providing for the interchange and use of fire control machinery and equipment with other fire control units adjacent to said district; providing for the appointment of a fire chief and assistants; providing for and authorizing upon the approval of a majority of the electors of the district voting in a millage election, the levy of an ad valorem tax upon all real and personal property in said district, not to exceed one half (½) mill for the purpose of purchasing, maintaining and operating fire control equipment and machinery; providing that the district shall not purchase such equipment unless funds are on hand to pay for same; providing that the fire chief of said district shall have full power to enforce all fire control laws of the state within the district; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 1818 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtel	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1602—A bill to be entitled An act relating to Jackson County; amending certain sections of chapter 19901, Laws of Florida, 1939, as amended; establishing and defining the geographic area of Jackson County Hospital District; creating Jackson County Hospital Corporation as a public, non-profit corporation to provide for the construction, maintenance, and operation of Jackson Hospital as a public hospital at or near Marianna for the benefit of the citizens and residents of the District and others in need of health care; providing for the powers and duties of the corporation and for the same to be managed by a board of trustees and for their appointment; authorizing the granting of staff privileges to physicians and other medical practitioners at Jackson Hospital; repealing laws or parts of laws in conflict with this act; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendments which were adopted:

Amendment 1—On page 1, line 25, strike "69-2289" and insert: 69-1165

Amendment 2—On page 9, lines 28-31, and on page 10, lines 1-2, strike all of said lines and insert: the provisions of this act are hereby repealed.

On motion by Senator Thomas, by two-thirds vote HB 1602 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtel	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1399—A bill to be entitled An act relating to the City of Winter Haven, Polk County; establishing the Winter Haven Downtown Development Authority; providing for definitions and rules of construction; setting forth a statement of policy and legislative findings; providing for By-Laws and functions of the Board; providing for the levy of ad valorem tax; providing for a referendum; providing an effective date.

—was read the second time by title.

Senators Peterson and Trask offered the following amendments which were moved by Senator Trask and adopted:

Amendment 1—On page 2, strike all of lines 11 through 17, inclusive and insert: (10) "Elector" shall be defined as in s. 2, Art. VI of

Amendment 2—On page 3, line 25, and on page 11, line 5, and on page 16, lines 1 and 10-11, and on page 17, lines 16, 19-20, and 23, and on page 18, lines 9, 13, and 25, strike the words "and freeholders"

Amendment 3—On page 11, strike lines 18-19, and insert: ad valorem taxation for city operating expenses. The

Amendment 4—On page 16, lines 18, 22, 28-29, and on page 17 lines 12, 22, strike the words "and freeholder"

Amendment 5—On page 16, line 27, after the period "." insert: Within 10 days after notification pursuant to this subsection, the board of city commissioners shall hold a hearing for the purpose of informing the electors in the development area of the provisions of this act.

Amendment 6—On page 17, line 31, strike the word "and"

Amendment 7—On page 18, line 1, strike the word "freeholder"

On motion by Senator Trask, by two-thirds vote HB 1399 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtel	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

SB 1264—A bill to be entitled An act relating to Volusia County; creating and incorporating a Special Tax District in Volusia County, Florida, to be known as the "Halifax Hospital Medical Center"; fixing and prescribing the boundaries of said

district; providing for the governing and administration of the same; providing and defining the powers and purposes of said district and of the Board of Commissioners thereof; authorizing and empowering such Board to establish; contract, operate and maintain such hospital or hospitals as may be established and constructed by said Board in said district; authorizing and providing for the issuance and sale of bonds of said district; authorizing and providing for said Board to borrow money on the note or notes of said district; authorizing and providing for the levy and collection of taxation for the payment of the said bonds and the interest thereon, and for the payment of said notes and interest thereon; authorizing and providing generally the powers and duties of said Board; repealing the existing special tax district known as Halifax Hospital Medical Center; providing for the new Halifax Hospital Medical Center to succeed to all obligations, rights and liabilities of the existing special tax district known as Halifax Hospital Medical Center; providing for a referendum.

—was read the second time by title.

Senator Dunn moved the following amendments which were adopted:

Amendment 1—On pages 2-17, strike everything after the enacting clause and insert: Section 1. A special tax district is hereby created to be known as "Halifax Hospital Medical Center" in Volusia County, Florida, which district shall include all of Volusia County except those parts described below:

Beginning at the point of intersection of the main channel of Mosquito Inlet and the Atlantic Ocean, thence run South-easterly with the shore of the Atlantic Ocean to the point of intersection with the South line of Township 19S, Thence West with said Township line to the Southwest corner of Section 34, Township 19S, Range 33E, Thence North to the Northwest corner of Section 3, Township 19S, Range 33E, Thence West along the South line of Township 18S, Range 33E, to the Southwest corner of said Township 18S, Range 33E, Thence North with West line of Township 18S, Range 33E, to the Northwest corner of said Township 18S, Range 33E, thence West along line between Townships 17S and 18S to the Southwest corner of Township 17S, Range 32E, Thence along the Range line between Ranges 31E and 32E North to the Northwest corner of Township 17S, Range 32E, thence East along the North line of Township 17S, Range 32E to point of intersection with the South fork of Spruce Creek, thence Northerly and Easterly along Spruce Creek to the point of intersection with the main channel of the Halifax River, thence Southerly and Easterly along the main channel of the Halifax River and the main channel of Mosquito Inlet to the point of beginning. All the above described property lying and being in County of Volusia, State of Florida.

Commencing at a point on the East Shore of Lake George where same is intersected by the Putnam-Volusia County line and run Northeasterly with said line to be the Southernmost point of Lake Crescent; thence East with shore line of Lake Crescent to the mouth of Haw Creek; thence up said Creek to its intersection with the East line of Range 28 East; run thence South with said range line (it being the Flagler-Volusia County line) to the Northwest corner of Section 30, Township 14 South; Range 29 East; thence run East 12 miles to the Northeast corner of Section 25, Township 14 South, Range 30 East; thence run South two miles to the Southeast corner of Township 14 South, Range 30 East; thence run West along said Township line to the Northeast corner of Township 15 South, Range 30 East; thence run South with the range line between Ranges 30 and 31 East about six miles to the Southeast corner of Township 15 South, Range 30 East, run thence East along the North line of Township 16 South, Range 31 East about six miles to the Northeast corner of said Township 16 South, Range 31 East; run thence South on the range line between Ranges 31 and 32 East about twelve miles to the Southeast corner of Township 17 South, Range 31 East; run thence East with the line between Township 17 and 18 South to the Northeast corner of Township 18 South, Range 32 East; run thence South on the range line between Ranges 32 and 33 East to the Southeast corner of Township 18 South, Range 32 East; run thence East on the line between Township 18 South, Range 33 East and Township 19 South, Range 33 East about three miles to the Northeast corner of Section 4 of Township 19 South, Range 33 East. Run thence South on the East line of Sections 4-9-16-21-28 and 33. Township 19 South, Range 33 East to the Southeast corner of Section 33, Township 19,

South Range 33 East; run thence east on the line between Township 19 South, Range 33 East and Township 20 South, Range 33 East to the Northeast corner of Township 20 South, Range 33 East; run thence South on the East line of Township 20 South, Range 33 East and along the East line of Township 21 South, Range 33 East to the Southeast corner of Section 36, Township 21 South, Range 33 East, run thence West along a South line of Township 21 South, Range 33 East to the intersection of said Township line with the St. Johns River; thence run down the St. Johns River in a generally Northwesterly direction to Lake George and with the East Shore line of said Lake George to the place of beginning.

Section 2. (1) The governing body of the Halifax Hospital Medical Center shall be a Board of Commissioners which shall consist of seven members, each of whom shall be residents of the district and appointed by the Governor. Except with respect to initial appointees who shall be appointed to serve terms specified herein, each commissioner shall be appointed for a term of 4 years. The five commissioners of the Halifax Hospital Medical Center who are serving pursuant to chapter 11272, Laws of Florida, 1925, as amended, on the effective date of this act shall serve as commissioners of the new Halifax Hospital Medical Center for a term to end on the same date as their term as commissioners of the prior Halifax Hospital Medical Center would have ended had this act not gone into effect. Two additional commissioners shall be appointed within 60 days after the effective date of this act, one for a term to end May 31, 1981, and the other for a term to end May 31, 1983.

(2) The Governor may suspend a commissioner pursuant to section 7, Article IV of the State Constitution. Each commissioner shall give bond to the Governor conditioned on the officer's faithful performance of the duties of his office, in the sum of \$5,000, with a surety company approved by the district and qualified to do business in Florida. The bond shall be approved and filed with the Clerk of the Circuit Court of Volusia County, Florida. The premiums on each bond shall be paid by the district.

Section 3. The district shall have all the powers of a body corporate, including the power to sue and be sued, to contract and be contracted with, to adopt and use a common seal, to acquire, purchase, hold, lease and convey such real and personal property as may be proper or expedient to carry out the purposes of this act, to appoint and employ an executive director or administrator, chief surgeon, and such other agents and employees as may be advisable, or to borrow money and issue notes, bonds, and other evidences of indebtedness to carry out the provisions of this act.

Section 4. Four of the commissioners shall constitute a quorum, but no action, except to recess or adjourn, shall be effective unless four of the commissioners concur therein. The Board of Commissioners shall keep true and accurate minutes and records of all business transacted by it. The minutes, records, and books of account shall at all reasonable times be open and subject to inspection and copying by the public, pursuant to section 119.07, Florida Statutes.

Section 5. The district may establish, construct, operate, and maintain such hospitals, medical facilities clinics, and out-patient facilities and services as are necessary. The hospitals, medical facilities or clinics, and out-patient facilities and services shall be established, constructed, operated, and maintained by the district for the preservation of the public health, for the public good and for the use of the public of the district; and maintenance of such hospitals, medical facilities, clinics, and out-patient facilities and services in the district are hereby found and declared to be a public purpose and necessary for the general welfare of the residents of the district. The location of such hospitals, medical facilities, clinics, or out-patient facilities shall be determined by the board.

Section 6. The district shall have the power of eminent domain, and it may condemn and acquire any real or personal property within the district which the board may deem necessary for the use of the district. The power of condemnation shall be exercised in the same manner as is now or may be provided by the general law for the exercise of the power of eminent domain by counties of the state, including the right to take possession and title in advance of final judgment under the procedure set forth in chapter 74, Florida Statutes.

Section 7. The district may borrow money for a period of up to 1 year in order to carry out the purposes of this act.

The district may issue notes of the district, determine the aggregate amount of principal therefor, and set terms and rates of interest.

Section 8. (1) The district may, by resolution of the board, authorize the issuance of bonds for the purposes set forth in section 5, and for the improvement, furnishing, and enlargement of hospitals, medical facilities, clinics, and out-patient facilities for the construction of additions thereto. The bonds may be revenue bonds payable from district revenues, ad valorem bonds payable from ad valorem taxes, or bonds payable from a combination of the two; provided, however, that no bonds pledging the full faith and credit of the district, or the taxing power thereof above the 4 mills authorized by this act, except refunding bonds issued at a lower net average interest cost rate, shall be issued unless the issuance has been approved in a referendum by a majority vote of the electors of the district voting on the question.

(2) Pursuant to resolution of the board, such bonds may:

- (a) Be issued in either coupon or registered form or both;
- (b) Have dates of maturity, not exceeding 40 years from the date of issuance;
- (c) Bear interest at a rate to be determined by the board;
- (d) Provide for registration of coupon bonds and conversion and reconversion of bonds from coupon to registered form or from registered form to coupon form;
- (e) Provide for payment at maturity and redemption prior to maturity at specified times and prices; and
- (f) Be payable at specified places within or without the state.

(3) Bonds shall be signed by such officers of the board or district as shall be required by resolution of the board. The signatures may be manual or facsimile signatures, but at least one of the signatures shall be a manual signature. The coupons shall be signed with the facsimile signatures of such officials of the board as the board shall determine. In case any officer whose signature or facsimile of whose signature appears on any bonds or coupons ceases to be such officer before delivery of the bonds or coupons, the signature or facsimile signature shall nevertheless be valid and sufficient for all purposes as fully and to the same extent as if he had remained in office until delivery.

(4) All bonds shall be exempt from all state, county, and city taxation.

(5) All bonds issued pursuant to this act shall be and have, and are hereby declared to be and have, all the qualities and incidents of negotiable instruments under the Uniform Commercial Code - Investment Securities Law of the State.

(6) The board may sell the bonds at such prices as the board may determine to be in the best interest of the district, but not, however, at less than 95 percent of par value.

(a) All of the bonds shall be sold at public sale at a place to be determined by the board. Notice of the sale shall be published at least once at least 10 days prior to the date of sale in one or more newspapers or financial journals published within or without the state, and shall contain such terms as the board shall deem advisable and proper under the circumstances; provided, that if no bids are received at the time and place called for by the notice of sale, or if all bids received are rejected, the bonds may again be offered for sale upon a shorter period of reasonable notice provided for by resolution of the board.

(b) All proposals for the purchase of any bonds offered for sale by the board shall be opened in public. Such bonds shall be awarded by resolution of the board to the bidder offering to purchase such bonds at the lowest net interest cost, such cost to be determined by deducting the total amount of premium bid from or adding the total amount of discount bid to the aggregate amount of interest which will accrue on such bonds until their respective maturities, without reference to any provisions for prior redemption of such bonds.

(c) No best bid conforming to the notice of sale may be rejected unless all bids are rejected. If the bids rejected are legally acceptable bids under the notice of sale, such bonds shall not be sold thereafter except upon public sale after publication of notice of sale as provided herein.

(7) No bonds shall be issued by the district unless the face or reverse thereof contains a certificate, executed either manually or with his facsimile signature by the secretary or assistant secretary of the board or district, to the effect that the issuance of such bonds has been approved under the provisions of this act by the board. The certificate shall be conclusive evidence as to approval of the issuance of such bonds by the district and that the requirements of this act and all of the laws relating to such bonds have been fully complied with.

(8) The district, by resolution of its board, shall have the authority to issue bond anticipation notes in the name of the district in anticipation of the receipt of the proceeds of the bonds in the same manner and subject to the same limitations and conditions provided by s. 215.431, Florida Statutes. The rights and remedies of the holders of the notes shall be the same rights and remedies which they would have if they were the holders of the definitive bonds in anticipation of which they are issued, and all of the covenants, agreements, or other proceedings relating to the definitive bonds in anticipation of which such bond anticipation notes are issued shall be a part of the proceedings relating to the issuance of the notes as fully and to the same extent as if incorporated verbatim therein.

(9) Prior to the preparation of definitive bonds, the district, pursuant to resolution of its board, may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery under such terms and conditions as the board shall deem advisable. The resolution may also provide for the replacement of any bonds which shall become mutilated or be destroyed, stolen, or lost under such terms and conditions as the board shall deem advisable.

(10) Bonds issued under the provisions of this act shall be validated in the manner provided in chapter 75, Florida Statutes.

Section 9. (1) Prior to the issuance of full faith and credit bonds, the Board of Commissioners shall determine the amount which, in the opinion of the board, will be necessary to be raised annually by taxation for the payment of the debt service on all such outstanding bonds and all such bonds proposed to be issued. Subject to the millage limitations authorized by law, the district shall provide for the levy and collection annually of a sufficient tax upon all the taxable property in the district to make the debt service payments on the bonds and debt service on notes, for expenses of operation, maintenance, construction, improvement, and repair of the hospitals or clinics, and for the payment of any indebtedness or other necessary expenses in carrying out the business of the district.

(2) The millage for the taxes assessed and levied against the taxable property within the district for the payment of debt service including interest and principal of the bonds and notes issued by the district and for the operation, maintenance, improvement, and repair of the hospitals, medical facilities, clinics, or out-patient facilities and services, including but not limited to, providing care to the indigent as provided in this act, or for the payment of any outstanding indebtedness authorized by this act, or for the payment of other necessary expenses in carrying on and transacting the business of the district, shall not exceed 4 mills on all of the nonexempt property within the district, unless authorized by law and approved by a majority vote of the electors of the district voting on the issue.

Section 10. The Board of Commissioners, the executive director, an administrator, and the chief fiscal officer of the district are hereby authorized to sign checks and warrants of the district by facsimile signature, and to use and employ facsimile signature machines for that purpose. The stamping, printing, or lithographing of facsimile signatures of the executive director or administrator and chief fiscal officer shall constitute sufficient signatures in compliance with Florida Statutes as to the withdrawal of district funds from a depository.

Section 11. The levy of the taxes authorized by any provision of this act shall be pursuant to a resolution of the board. Certified copies of the resolution executed in the name of the board by its chairman, under its corporate seal, shall be made and delivered to the County Council of Volusia County, Florida, and to the Florida Department of Revenue in the same manner and within the same time period as required of counties pursuant to general law. The County Council of Volusia County shall require the Director of the Finance Department of the

county to collect the amount of taxes so assessed or levied by the district upon the nonexempt property in the district, at the rate of taxation as fixed, levied, and adopted by the Board of Commissioners of the district for the year and included in the warrant of the Property Appraiser and attached to the assessment roll of taxes for the county each year. The Director of Finance Department of Volusia County shall collect the tax as levied by the district in the same manner as other taxes are collected, and he shall remit the taxes collected to the district within the time and in the manner prescribed by law for the collection and handling of county taxes to the county depository. All revenues so collected shall be held, used, invested, and disbursed by the district as provided in this act or as otherwise provided by law.

Section 12. The district is authorized to pay from the funds of the district all expenses necessarily incurred in the formation of the district and all other reasonable and necessary expenses, including the fees and expenses of an attorney in the transaction of the business of the district and in carrying out the purposes of this act. This section shall not be construed, however, to restrict any of the powers vested in the district by any other provision of this act or any provision of general law.

Section 13. At least once in each year the Board of Commissioners shall publish in a newspaper of general circulation published in the district, a complete statement of all moneys received and disbursed since the creation of the district as to the end of the district's fiscal year, and at the end of each fiscal year thereafter. The financial statements shall show the several sources from which funds were received, and it shall show the balance on hand at the time of the published statement. It shall show a complete statement of the financial condition of the district as of the end of the district fiscal year.

Section 14. Each hospital, medical facility, clinic, and out-patient facility established under this act shall provide hospital care and related services and treatment, without fee or charge, to patients who are determined by the board to be medically indigent, but the district may collect from patients financially able to pay such fees or other charges as the board may from time to time establish. The district may extend the benefits and privileges of the hospitals and clinics and treatment and out-patient services of the district to medically indigent residents of the district. The district may extend the privileges and use of hospitals and clinics of the district to nonresidents upon such terms and conditions as the board may from time to time by its rules provide. The medically indigent residents of the district wherein such hospital and clinic are located, shall have the first claim to admission.

Section 15. It is intended that the provisions of this act shall be liberally construed in order to accomplish the purposes of the act. Where strict construction of this act would result in the defeat of the accomplishment of any of the purposes of this act, and a liberal construction would permit or assist in the accomplishment thereof, the liberal construction shall be chosen.

Section 16. All property, real and personal, of the Halifax Hospital Medical Center, a special taxing district in Volusia County, Florida, and all property, both real and personal, of the Board of Commissioners of the special tax district are hereby exempted from taxation pursuant to Chapter 196, Florida Statutes.

Section 17. All powers, duties, functions, records, personnel, real and personal property, and unexpended funds of the Halifax Hospital Tax District and the Halifax Hospital Medical Center (both of which are special taxing districts created and existing under Chapter 11272, Laws of Florida, 1925, as amended) are hereby transferred to and vested in, and all liabilities and obligations thereof, are assumed by the Halifax Hospital Medical Center, the special taxing district created by this act. The Halifax Hospital Medical Center created by this act shall be the successor in title and interest to the Halifax Hospital District and the Halifax Hospital Medical Center with respect to all contracts, agreements, bonds and all rights, liabilities and obligations of the previously existing Halifax Hospital District and Halifax Hospital Medical Center.

Section 18. The books and records of the district shall be audited annually by an independent certified public accountant. The Governor of the State of Florida may, when in his judgment it is necessary, direct the Auditor General to audit the books and records of the district.

Section 19. The district is authorized to:

(1) Pay all or any part of insurance premiums on their respective employees' insurance covering injuries received after working hours or covering illness of such employees, or both.

(2) Allow a discount on the cost of drugs, laboratory, x-ray work, and other hospital services to the employees of the district.

(3) Provide employee benefits for group life insurance on employees of the district, and to pay all or any part of the insurance premiums or other expenses thereon.

Section 20. (1) All purchases of supplies, commodities, equipment, and materials as well as the leasing of equipment for use in the operation and maintenance of the district, and all contracts for work, construction, repair, or replacement of buildings or other capital improvements to the district's property, the cost of which is in excess of \$5,000 shall be made or let by the district by contract to the lowest responsible bidder according to the written specifications previously prescribed therefor, and after publication in a newspaper of general circulation within the district, one day a week for two consecutive weeks, of an advertisement or notice calling for or inviting such bids.

(2) As an alternative to the procedure prescribed in subsection (1), whenever it reasonably appears to the Board of Commissioners of the Halifax Hospital Medical Center that by reason of an emergency or other unusual condition, the compliance with the bidding procedure prescribed in subsection (1) would be detrimental to the interests of the Halifax Hospital Medical Center, or its patients, or it appears to the Board of Commissioners that such supplies, commodities, equipment, and materials, and the leasing of equipment for the use in the operation or maintenance of the district are obtainable from only one source or supplier, the Board of Commissioners of the Halifax Hospital Medical Center may by appropriate resolution identify such emergency or unusual condition and authorize the purchase, the lease agreement, or contract without complying with the procedure prescribed in subsection (1).

Section 21. Chapter 11272, Laws of Florida, 1925, as amended by chapters 13489 and 13490, Laws of Florida, 1927, chapter 16037, Laws of Florida, 1933, chapter 17977, Laws of Florida, 1937, chapter 19097, Laws of Florida, 1939, chapters 21748 and 21749, Laws of Florida, 1943, chapters 22688 and 22689, Laws of Florida, 1945, chapters 26280, 26283, and 26292, Laws of Florida, 1949, chapter 27944, Laws of Florida, 1951, chapters 29579 and 29580, Laws of Florida, 1953, chapter 31333, Laws of Florida, 1955, and chapters 57-1925, 59-1952, 59-1953, 59-1954, 61-2961, 61-2963, 61-2964, 63-2019, 65-2353, 65-2354, 65-2356, 67-2155, 67-2156, 72-710, 72-711, 72-712, 74-622, 77-661, and 77-662, Laws of Florida, and Senate Bill 1296 of the 1979 Regular Legislative Session, if enacted, are hereby repealed.

Section 22. This act, except for this section which shall take effect upon becoming a law, shall take effect only upon its approval by a majority vote of the qualified electors residing within the area of the new Halifax Hospital Medical Center special tax district as defined in Section 1 of this act, voting in a referendum as required by Section 9 of Article VII of the Florida Constitution, which election shall be called by the County Council of Volusia County, Florida, at the next regular primary, special, or general election held in the county, whichever comes first.

Amendment 2—On page 1 in title, lines 1-31 and on page 2, lines 1-3, strike all of said lines and insert: A bill to be entitled An act relating to Volusia County; creating and incorporating a special tax district in Volusia County, Florida, to be known as the "Halifax Hospital Medical Center"; fixing and prescribing the boundaries of the district; providing for the governing and administration of the district; providing and defining the powers and purposes of the district and establishing the Board of Commissioners as the governing body thereof; authorizing and providing for the issuance and sale of bonds of said district; authorizing the district to borrow money on the note or notes of the district; authorizing and providing for the levy and collection of ad valorem taxes for the payment of the bonds and the interest thereon, and for the payment of said notes and interest thereon, and for the operation, maintenance and repair of the hospital or hospitals, and for the payment of any outstanding indebtedness or other necessary expenses of the district in carrying out the business of the district; author-

izing and providing generally the powers and duties of the Board; repealing chapter 11272, Laws of Florida, 1925, as amended, relating to the existing special tax district known as Halifax Hospital Medical Center; providing for the new Halifax Hospital Medical Center to succeed to all obligations, rights and liabilities of the existing special tax district known as Halifax Hospital Medical Center; providing for a referendum; providing an effective date.

On motion by Senator Dunn, by two-thirds vote SB 1264 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtel	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

Disclosure

No special gain or benefit will inure to me or my law firm due to the passage of Senate Bill 1264. But I feel it appropriate to disclose that my law firm, Dunn, Smith & Withers (Attorneys at Law, Suite 800, 444 Seabreeze Boulevard, Daytona Beach, Florida) has represented since November of 1978 and continues to represent Halifax Hospital Medical Center in defense of an antitrust action pending in the United States District Court, Middle District of Florida, case number 60-200-0804. I am the only Senator representing the area affected by Senate Bill 1264.

Edgar M. Dunn, 10th District

SB 1062—A bill to be entitled An act relating to Monroe County; amending section 3 of chapter 69-1321, Laws of Florida, as amended, by excepting elected officials from the provision of said act; providing that all laws, whether general or special, in conflict herewith are superseded; providing an effective date.

—was read the second time by title.

Senator McKnight moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 25 and 26, insert: (5) Employees of the county officers specified in Article VIII, Section 1(d), Florida Constitution.

Amendment 2—On page 1 in title, line 4, after the word "excepting" insert: employees of

On motion by Senator McKnight, by two-thirds vote SB 1062 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtel	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

HB 1307—A bill to be entitled An act relating to Hillsborough County; providing for the eligibility of Alton Maurice White to receive retirement credit in the City of Tampa, Florida, General Employees Pension Fund created by Chapter 23559 of the Special Acts of 1945, as amended, for his past service with the City; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote HB 1307 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

SB 703 was taken up and on motion by Senator Spicola—

HB 1227—A bill to be entitled An act relating to Nassau County; authorizing the acquisition, construction, erection, building, enlarging, improving, renovating, remodeling, furnishing and equipping of school buildings of the district school board of Nassau County, Florida; authorizing the issuance of certificates of indebtedness, payable from race track funds and jai alai fronton funds accruing annually to Nassau County and allocated to the district school board and other moneys of the district school board derived from sources other than ad valorem taxation, to pay the cost of such projects; providing a referendum; and providing an effective date.

—a companion measure, was substituted for SB 703 and read the second time by title. On motion by Senator Spicola, by two-thirds vote HB 1227 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

SB 703 was laid on the table.

HB 910—A bill to be entitled An act relating to Pinellas County; providing that there shall be no limitation of special beverage licenses issued to certain hotels, motels, or motor courts; providing for the issuance of such licenses; providing for the operation and transfer of such licenses; repealing chapter 71-862, Laws of Florida, to conform thereto; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote HB 910 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dunn	Hill	Neal
Anderson	Fechtcl	Jenne	Peterson
Barron	Frank	Johnston	Poole
Carlucci	Gorman	MacKay	Scarborough
Chamberlin	Grizzle	Maxwell	Scott
Childers, D.	Hair	McClain	Skinner
Childers, W. D.	Henderson	McKnight	Spicola

Steinberg
Stuart

Thomas
Tobiassen

Vogt
Ware

Williamson
Winn

Nays—1

Trask

HB 812—A bill to be entitled An act relating to the City of Orlando; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation of the State of Florida, to issue an alcoholic beverage license to the City of Orlando, or its assigns, to be used in the operation of the Mayor Bob Carr Municipal Auditorium and Expo Centre; providing that such license shall not be subject to any quota or limitation pertaining thereto, but shall be an exception to any such quota or limitation; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote HB 812 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Neal	Thomas
Chamberlin	Henderson	Peterson	Tobiassen
Childers, D.	Hill	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtcl	MacKay	Skinner	Winn

Nays—1

Trask

HB 1512—A bill to be entitled An act relating to the West Coast Inland Navigation District; amending section 2, chapter 61-1590, Laws of Florida, as amended; amending sections 3-6, 11, 12, 15, 18, 20(d), (e), chapter 61-1590, Laws of Florida; removing Hillsborough and Pinellas Counties from such district; defining "inland waterway"; authorizing district to act as local sponsor or to participate in certain navigation, beach nourishment, or environmental restoration and enhancement projects; reducing membership of district board from six to four; deleting authority of board to issue bonds; providing certain procedural changes; directing district to obtain and furnish to the state certain right-of-way; limiting the maximum assessable millage; providing conforming language; authorizing district to contract with a private auditor under certain circumstances; repealing section 8, chapter 61-1590, Laws of Florida, relating to the authority of the district to issue bonds; providing an effective date.

On motion by Senator Neal, by two-thirds vote HB 1512 was read the second time by title.

Senators Neal and Spicola offered the following amendment which was moved by Senator Neal and adopted:

Amendment 1—On page 8, between lines 10 and 11, add a new subsection (g): That property owned by the District in Pinellas County consisting of approximately 150 acres commonly known as the Crystal Beach property shall be offered for sale by the District to the Florida Department of Natural Resources and Pinellas County at a price to be determined by independent appraisals but not less than 1.4 million dollars. If the property is sold to either or both such agencies at such price, Hillsborough County and Pinellas County shall each be entitled to the sum of \$200,000 from the sale proceeds.

If the property has not been sold to either such agency July 1, 1980, the District may sell the property to any highest and best bidder, either public or private, subject to the same payments to Hillsborough County and Pinellas County stated above.

Senator Neal moved the following amendment which was adopted:

Amendment 2—On page 1 in title, lines 2-3, after the semicolon (;) insert: providing that certain property owned by the district shall be offered for sale by the district to the Department of Natural Resources and Pinellas County, with proceeds to go to Hillsborough and Pinellas Counties;

On motion by Senator Neal, by two-thirds vote HB 1512 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

CONSENT CALENDAR, continued

On motions by Senator McKnight, the rules were waived and by two-thirds vote HB 1385 was withdrawn from the Committee on Health and Rehabilitative Services and by unanimous consent taken up instantler.

HB 1385—A bill to be entitled An act relating to medicinal drugs; amending s. 500.152(2), Florida Statutes; requiring the Florida Board of Pharmacy to adopt rules relative to the distribution of sample medicinal drugs; requiring the Florida Board of Pharmacy to adopt rules relative to the disposition of certain sample medicinal drugs; providing an effective date.

—was read the second time by title. On motion by Senator McKnight, by two-thirds vote HB 1385 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Gorman	Myers	Thomas
Anderson	Grizzle	Neal	Tobiasen
Carlucci	Henderson	Peterson	Trask
Chamberlin	Hill	Poole	Vogt
Childers, D.	Jenne	Scott	Ware
Childers, W. D.	Johnston	Spicola	Williamson
Dunn	McClain	Steinberg	Winn
Frank	McKnight	Stuart	

Nays—None

Vote after roll call:

Yea—Hair

HB 1603—A bill to be entitled An act relating to civil process; amending s. 30.17(2) and (3), Florida Statutes, deleting provision that execution docket be laid before the court each term; amending s. 48.021, Florida Statutes, providing all process be served by sheriffs and deleting authorization to appoint a special process server; amending s. 48.031, Florida Statutes, providing service of process may be made on any person residing in defendant's abode; providing such service of witness subpoenas; amending s. 30.231, Florida Statutes, providing various increases in sheriffs' fees for service of papers; providing advance deposits for coverage of fees; providing fees earned for service or request of service; amending s. 56.23, Florida Statutes, allowing execution sales where property is stored or located; amending s. 48.081(3), Florida Statutes, allowing service of any corporation employee under certain circumstances; creating s. 48.195, Florida Statutes, providing that sheriffs may serve out-of-state process; providing protection of officers under bond when serving foreign process; providing fees for service of foreign process at Florida rates of service; providing for additional fees when additional duties required; amending s. 55.03, Florida Statutes, requiring writs to bear rate of interest on the face; creating s. 56.275, Florida Statutes, providing method to pay into county fine and for-

feiture fund unclaimed money from sheriff's sales; requiring notice; providing claims procedures; amending s. 78.065(2)(c), Florida Statutes, providing nonpersonal service in replevin; amending s. 222.06, Florida Statutes, requiring an inventory of personal property within a certain period; requiring inventory to be filed with court, sheriff and debtor; providing method for contest of inventory; deleting provisions relating to the deposit of costs of appraisal by the creditor; requiring the sheriff to dispose of property on court order; providing method of disposal if no order is received; providing attorney's fees and costs to prevailing party in inventory contest; deleting a procedure for the release of exempt property from a writ of garnishment; prohibiting the acceptance of inventory before levy; repealing s. 30.232, Florida Statutes, removing discretionary process service surfees; repealing s. 56.08, Florida Statutes, removing the requirement that the purchaser of personal property at execution sale furnish bond with surety; repealing s. 125.0166, Florida Statutes, removing the authorization for county governments to implement service of process surfees; providing an effective date.

—was read the second time by title.

Senators Williamson and Dunn offered the following amendment which was moved by Senator Williamson and adopted:

Amendment 1—On pages 3 and 4, reinsert deleted wording on lines 14 through 30 on page 3 and lines 1 through 17 on page 4

Senator Dunn moved the following amendment which was adopted:

Amendment 2—On page 14, line 20, insert after "repealed.": Section 222.06, Florida Statutes, as amended by Section 11 of this act, is repealed on July 1, 1980.

Senator Jenne moved the following amendments which were adopted:

Amendment 3—On page 4, strike lines 30-31 and insert: *whether in felony cases or civil actions, shall be made as provided in subsection (1), and service of a subpoena on a witness in a criminal case that involves only a misdemeanor shall be made by delivering a copy to the witness. Such delivery shall be made by personal service on the witness by a person authorized by law; by registered United States mail directed to the witness at his last known address; or by delivery, by a person authorized by law, at the witness' usual place of abode to a member of his family who is 15 years of age or older and who is informed of the contents thereof.*

Amendment 4—On page 1 in title, line 12, strike the words "witness subpoenas" and insert: certain witness subpoenas; providing a method for service of witness subpoenas in misdemeanor cases

Senator Dunn moved the following amendment which was adopted:

Amendment 5—On page 2 in title, line 28, insert after "surfees;": repealing s. 222.06, relating to procedure for exemptions from levy, on July 1, 1980;

On motion by Senator Neal, by two-thirds vote HB 1603 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Grizzle	Myers	Thomas
Carlucci	Henderson	Neal	Tobiasen
Chamberlin	Hill	Poole	Trask
Childers, D.	Jenne	Scarborough	Vogt
Childers, W. D.	Johnston	Scott	Williamson
Dunn	MacKay	Spicola	Winn
Frank	McClain	Steinberg	
Gorman	McKnight	Stuart	

Nays—None

Vote after roll call:

Yea—Hair

SB 1067—A bill to be entitled An act relating to the Controlled Substances Therapeutic Research Act; amending s. 402.36(3)(c), (5)(a), Florida Statutes, 1978 Supplement; expanding definition of "practitioner" to include certain osteopathic physicians; requiring the Secretary of the Department of Health and Rehabilitative Services to appoint to the Patient Qualification Review Board of the Controlled Substances Therapeutic Research Program a physician who is licensed pursuant to chapter 459, Florida Statutes, and who meets certain other requirements; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendments which were moved by Senator Hill and adopted:

Amendment 1—On page 2, between lines 15 and 16, insert:

(9) **CONFIDENTIALITY OF PATIENTS.**—*The identity of any patient certified pursuant to this section for participation in the controlled substances therapeutic research program shall be confidential and shall not be disclosed under any circumstances.*

Amendment 2—On page 1, line 21, insert after the word amended: and a new subsection (9) is added to said section

Senator Hill moved the following amendment which was adopted:

Amendment 3—On page 2, line 16, strike "July 1, 1979" and insert: October 1, 1979

The Committee on Health and Rehabilitative Services offered the following amendment which was moved by Senator Hill and adopted:

Amendment 4—On page 1 in title, lines 5 and 14, insert after the word supplement on line 5: , and adding subsection (9) to said section and insert after the semicolon on line 14: providing for confidentiality;

Pending further consideration of SB 1067 as amended, on motion by Senator Hill, the rules were waived and by two-thirds vote HB 1578 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Hill—

HB 1578—A bill to be entitled An act relating to controlled substances; amending s. 402.36(3)(c) and (5)(a), Florida Statutes, 1978 Supplement, and adding a subsection including osteopathic physicians within those practitioners who may prescribe cannabis pursuant to the controlled substances therapeutic research program and includes a licensed osteopath on the patient qualification review board; providing for confidentiality; providing an effective date.

—a companion measure, was substituted for SB 1067 and read the second time by title. On motion by Senator Hill, by two-thirds vote HB 1578 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Anderson	Gordon	McClain	Stuart
Carlucci	Gorman	McKnight	Thomas
Chamberlin	Grizzle	Myers	Tobiassen
Childers, D.	Henderson	Neal	Trask
Childers, W. D.	Hill	Poole	Vogt
Dunn	Jenne	Scott	Williamson
Fechtel	Johnston	Spicola	Winn
Frank	MacKay	Steinberg	

Nays—None

Vote after roll call:

Yea—Hair

SB 1067 was laid on the table.

SB 832—A bill to be entitled An act relating to district school boards; amending s. 230.23(12), Florida Statutes, 1978 Supplement, requiring each school board to identify and re-

port to the Department of Education certain information regarding all migratory children in the district; amending s. 230.33(14), Florida Statutes, 1978 Supplement, requiring each district superintendent to recommend plans to the school board for the identification and reporting of migratory children; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendments which were moved by Senator Frank and adopted:

Amendment 1—On page 1, lines 25-29, strike all of said lines 25 through 29 and insert: (b) *Cooperate with the Department of Education in identifying each child in the school district who is a migratory child as defined in Public Law 95-561, and cooperate with the Department in providing such other information as the Department deems necessary.*

Amendment 2—On page 2, line 23, strike the term "93-380" and insert: 95-561

Amendment 3—On page 1, strike lines 4 through 7 and insert: Supplement; requiring each school board to cooperate with the Department of Education in identifying migratory children and in providing certain information; amending s.

On motion by Senator Frank, by two-thirds vote SB 832 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Myers	Tobiassen
Carlucci	Henderson	Neal	Trask
Chamberlin	Hill	Poole	Vogt
Childers, D.	Jenne	Scott	Williamson
Dunn	Johnston	Spicola	Winn
Frank	MacKay	Steinberg	
Gordon	McClain	Stuart	

Nays—None

Votes after roll call:

Yea—W. D. Childers, Hair

SB 1054—A bill to be entitled An act relating to the Department of Natural Resources; adding subsection (7) to s. 370.15, Florida Statutes, prohibiting the taking of shrimp in certain areas at certain times; allowing for the taking of bait shrimp in the closed area under permit by the Division of Law Enforcement; providing a penalty; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Anderson and adopted:

Amendment 1—On page 1, lines 18 & 19, strike "during the period of January 1 through May 20 each year"

Senators Anderson and Vogt offered the following amendments which were moved by Senator Anderson and adopted:

Amendment 2—On page 1, line 12, insert new section 1 and renumber subsequent sections:

Section 1. Present subsections (5) and (6) of section 370.15, Florida Statutes, are renumbered as subsections (6) and (7), respectively, and a new subsection (5) is added to said section to read:

370.15 Shrimp; regulation.—

(5) **SHRIMP TRAPS.**—

(a) *It is unlawful for any person, firm, or corporation to take or attempt to take shrimp by the use of any trap which:*

1. *Exceeds the following dimensions: 36 inches long (from rear of the heart to the leading edge of the trap), by 24 inches wide (between the leading edges of the trap, or heart opening), by 12 inches high; or*

2. *Has external or unattached wings, weirs, or other devices intended to funnel shrimp to the trap heart.*

(b) *The user of any trap shall affix his name and address securely to each trap. Any such trap not having proper identification shall be subject to confiscation by the department. No person, firm, or corporation shall have more than four traps in use at any time. The department shall have the authority to inspect such traps when being used in or on the waters of the state.*

(c) *Any person, firm, or corporation which violates the provisions of this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

(Renumber subsequent sections.)

Amendment 3—On page 1, line 12, insert a new section 1 and renumber subsequent sections:

Section 1. Subsection (2) of section 370.08, Florida Statutes, 1978 Supplement, is amended to read:

370.08 Fisherman and equipment; regulation.—

(2) STOP NETTING DEFINED; PROHIBITION; PENALTY.—

(a) *It is unlawful for any person to obstruct any river, creek, canal, pass, bayou or other water way in this state by placing or setting therein any screen, net, seine, rack, wire or other device, or to use, set or place any net or seine or similar device of any kind, either singularly or in rotation or one behind another in any manner whatsoever so as to prevent the free passage of fish. Any person violating this section shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

(b) *It is unlawful for any person, while fishing or attempting to fish for shrimp or saltwater fish, to attach or otherwise secure a frame net, trawl net, trap net, or similar device to any state road bridge, or associated structure situated over any saltwater body; or to use more than one such net or device while fishing from such bridge or structure. For the purposes of this subsection, a "frame net" is any net similar to a hoop net, the mouth of which is held open by a frame, with a trailing mesh net, of any size. Cast nets, dip nets, and similar devices are specifically excluded from the operation of this subsection.*

(Renumber subsequent sections.)

Amendment 4—On page 1, line 3 after “,” insert: amending s. 370.08(2), Florida Statutes, 1978 Supplement; prohibiting any person from attaching any of certain kinds of nets to any state road bridge, or associated structure over any salt water; providing restriction on the use of such nets; providing a penalty;

Amendment 5—On page 1, line 3, after the semi-colon insert: renumbering s. 370.15(5), (6), Florida Statutes, and adding a new subsection (5) to said section; providing certain restrictions on the use of traps; providing for confiscation of unmarked traps; providing a penalty;

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Anderson and adopted:

Amendment 6—On page 1, line 5, strike “at certain times”

On motion by Senator Anderson, by two-thirds vote SB 1054 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Barron	Carlucci	Childers, D.	Dunn
Anderson	Chamberlin	Childers, W. D.	Fechtcl

Frank	Johnston	Scarborough	Vogt
Gordon	MacKay	Scott	Ware
Gorman	Maxwell	Spicola	Williamson
Grizzle	McClain	Steinberg	Winn
Hill	McKnight	Stuart	
Holloway	Myers	Thomas	
Jenne	Poole	Trask	

Nays—None

Vote after roll call:

Yea—Hair

HB 1518—A bill to be entitled An act relating to Clay County; authorizing the Board of County Commissioners of Clay County to grant a nonexclusive franchise for the construction, maintenance, or removal of lines, poles, and facilities within the unincorporated areas of Clay County, along any public property of the county for the transmission, distribution, or sale of electricity; providing for the term of such nonexclusive franchise; providing for the payment of a fee to Clay County for such right and privilege; providing an effective date.

—was read the second time by title.

Senator Scarborough moved the following amendment which failed:

Amendment 1—On page 1, line 30, after the period (.) insert: The franchise fee authorized herein shall not exceed six percent (6%) of the gross revenues collected by the franchisee from the sale of electrical power in the unincorporated areas of Clay County.

On motion by Senator Fechtel, by two-thirds vote HB 1518 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Grizzle	McClain	Stuart
Anderson	Henderson	McKnight	Thomas
Barron	Hill	Myers	Tobiassen
Carlucci	Holloway	Neal	Trask
Childers, D.	Jenne	Scarborough	Vogt
Fechtcl	Johnston	Scott	Ware
Frank	MacKay	Spicola	Williamson
Gorman	Maxwell	Steinberg	Winn

Nays—None

Votes after roll call:

Yea—W. D. Childers, Hair

On motions by Senator Barron, the rules were waived and by two-thirds vote CS for HB 109 was withdrawn from the Committees on Ways and Means and Rules and Calendar.

On motion by Senator Barron, the rules were waived and bills remaining on the consent calendar were placed at the beginning of the calendar for June 1.

On motion by Senator Barron, it was agreed by two-thirds vote that when the Senate adjourns it adjourn to convene Friday, June 1, at 10:00 a.m.

On motion by Senator Barron, the rules were waived and HB 684 was placed near the beginning of the calendar for June 1.

ENROLLING REPORT

SB 687 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 31, 1979.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 30 was corrected and approved.

The Senate adjourned at 5:44 p.m. to convene at 10:00 a.m., Friday, June 1.